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THE PALACE CASINO

Environmental Impact Report

SCH# 94083043

September 16, 1994

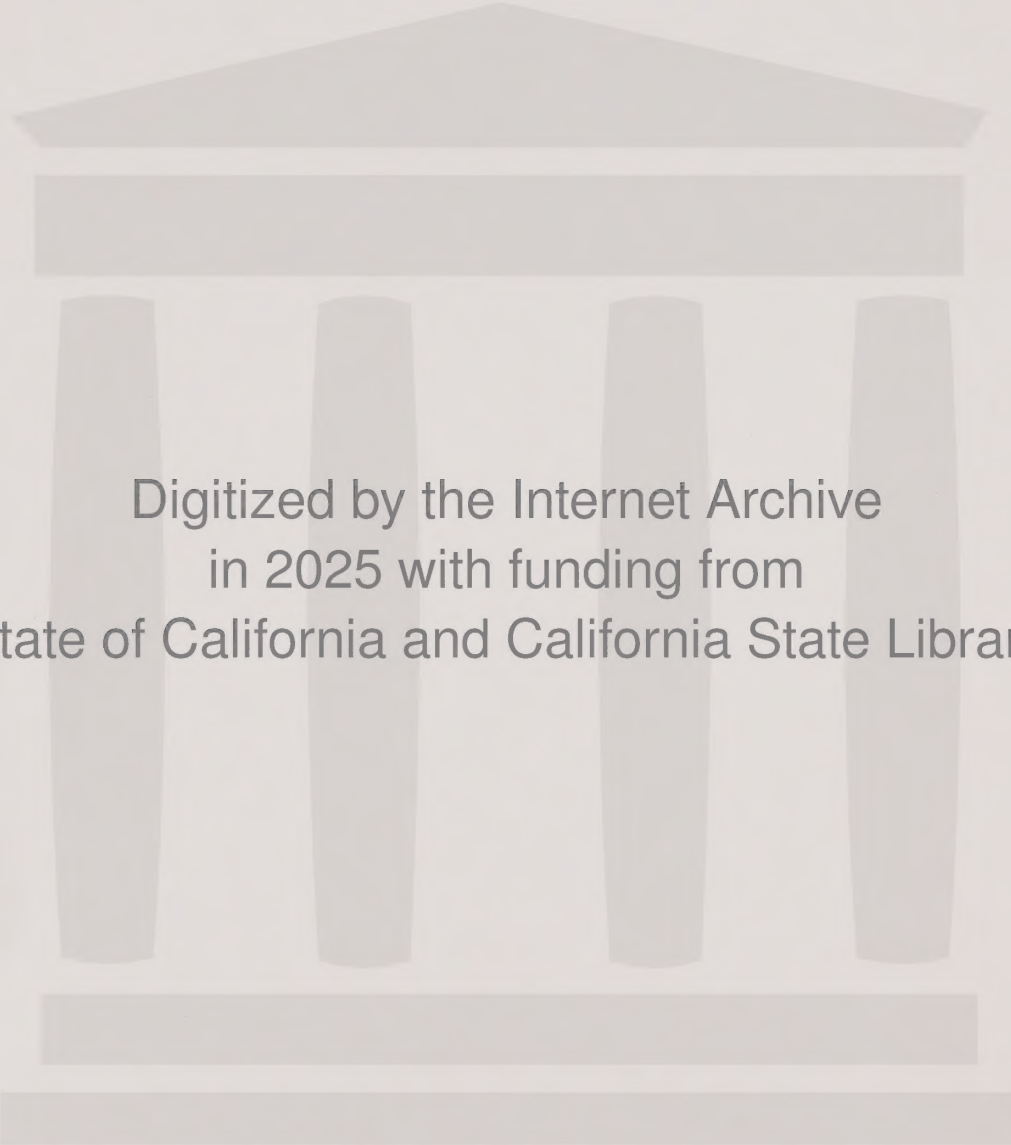
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SCH# 94083043

September 16, 1994

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THE PALACE CASINO PROJECT EIR

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1.0 SUMMARY

1.1 PROJECT DESCRIPTION

The Palace Casino Project would operate a gaming club on two adjacent properties at the San Pablo Avenue and San Pablo Dam Road intersection. The first property, which is currently occupied by the Lucky Lanes bowling alley, is 3.9 acres and contains a 63,500-square-foot structure and a deteriorating parking lot. This structure would be remodeled and a 2,500 square-foot addition would be constructed. The second property (referred to as the Wong property) is 5.4 acres and contains a mobile home park with 38 mobile homes and four permanent buildings that house 28 rental units. Twelve mobile homes are currently vacant and only three of the rental units are currently occupied. These mobile homes would be removed and their occupants would be relocated to provide more parking for the gaming club. This area and the adjacent Lucky Lanes parking area would be resurfaced.

The remodeled bowling alley would provide approximately 66,000 square feet for the proposed Palace Casino and its ancillary uses. The gaming club would include two 50-table cardrooms, a cocktail lounge, a 90-seat coffee shop, an 80-seat restaurant (fine dining), and a 100-seat banquet/meeting room.

1.2 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Table 1.1 summarizes significant impacts, the level of significance of those impacts, identified mitigation measures and the level of significance after the implementation of the mitigation measures.

1.3 ALTERNATIVES TO THE PROJECT

The discussion of alternatives to the proposed gaming club addresses the No Project Alternative, the Reduced-Density Alternative, and the Off-Site Alternative. Effects of the alternatives are identified and compared to impacts of the proposed gaming club.

TABLE 1.1: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

IMPACT	SIGNIFICANCE BEFORE MITIGATION	MITIGATION	SIGNIFICANCE FOLLOWING MITIGATION
Land Use and Planning			
4.1.1: The proposed project would alter the existing uses of the Lucky Lanes parcel at the project site.	Not Significant	None required.	
4.1.2: The proposed project would result in the removal of 38 mobile homes and four buildings from the Wong Property.	Not Significant	None required.	
4.1.3: The proposed project would generally conform with General Plan policies and zoning designations.	Not Significant	None required.	
Transportation and Circulation			
4.2.1: Operation of a gaming club would add vehicle trips to the road network in the surrounding area and increase the number of vehicles traveling through the San Pablo Avenue and San Pablo Dam Road intersection during PM peak hour.	Significant	4.2.1: The project applicant shall fund the following improvements at the San Pablo Avenue and San Pablo Dam Road intersection: • add one more left-turn lane for the westbound approach on San Pablo Dam Road; and • restripe the eastbound approach (outbound from the project site) to provide one left-through shared lane and one right-through shared lane.	Not Significant

TABLE 1.1: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (Continued)

IMPACT	SIGNIFICANCE BEFORE MITIGATION	MITIGATION	SIGNIFICANCE FOLLOWING MITIGATION
4.2.2: Operation of a gaming club would add vehicle trips to the road network in the surrounding area and increase the number of vehicles traveling through the I-80 / San Pablo Dam Road interchange.	Significant	4.2.2: Improvements have been identified for the I-80 interchange with San Pablo Dam Road. These improvements include: • widen overpass to six lanes; and • convert Amador Street for right-in/right-out operation only.	Significant
4.2.3: The demand for transit service would increase as a result of the operation of the proposed Palace Casino.	Not Significant	Although not required, the project applicant shall enhance the existing bus stop on San Pablo Avenue to increase the patronage of the existing transit system.	
4.2.4: Development of the proposed Palace Casino may not provide enough off-street parking to accommodate parking demand.	Significant	4.2.4a: The project applicant shall prepare and implement an employee trip reduction program, which is required by the City for businesses employing more than 200 persons. 4.2.4b: The project applicant shall fund a comprehensive study to determine the parking demand associated with the gaming club. This parking study shall be completed three months after the opening of the gaming club. If the parking demand for the parking study indicates that the proposed 875 parking spaces would not be sufficient to accommodate ultimate parking demand, the project applicant shall work with the City to identify feasible measures to accommodate the parking demand. These measures could include: • increasing the number of tandem parking spaces at the project site; • providing off-site parking for employees; or • expanding the proposed shuttle service to BART.	Not Significant

TABLE 1.1: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (Continued)

IMPACT	SIGNIFICANCE BEFORE MITIGATION	MITIGATION	SIGNIFICANCE FOLLOWING MITIGATION
Air Quality			
4.3.1: Earth moving and construction activities would result in localized and temporary increases in ambient concentrations of respirable particulate matter (PM₁₀). The primary pollutant associated with construction activities resulting from implementation of the proposed project would be fugitive dust. Other than fugitive dust, construction-generated emissions would not be expected to have a significant effect on air quality.	Significant	4.3.1: To reduce the significant effect of construction-related dust, the City shall require contractors to implement a dust abatement program. Elements of this program shall include the following: • Sprinkle all unpaved construction areas with water at least twice per day to reduce dust emissions. Additional watering should be carried out on hot or windy days. Watering could reduce particulate emissions by up to 50 percent. • Designate a person or persons to oversee the implementation of a comprehensive dust-control program and to increase watering, to minimize visible dust emissions.	Significant
4.3.2: Development of the proposed Palace Casino would result in the long-term increase in criteria air pollutant emissions resulting from vehicular traffic to and from the gaming club.	Not Significant	None required.	

TABLE 1.1: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (Continued)

IMPACT	SIGNIFICANCE BEFORE MITIGATION	MITIGATION	SIGNIFICANCE FOLLOWING MITIGATION
4.3.3: Development of the proposed Palace Casino would result in operational phase trip generation that would increase the ambient concentration of CO in the project area.	Significant	4.3.3: Roadway improvements recommended as part of Mitigation Measure 4.2.1 would improve traffic flow through the San Pablo Avenue / San Pablo Dam Road intersection and lessen the temporary impact to local CO concentrations. These improvement measures would serve to shorten the duration of the temporary impact but would not fully mitigate the impact in the short-term. Consequently, this impact is considered temporary and unavoidable.	Significant
Construction Noise			
4.4.1: Construction activities for the parking lots and building remodeling at the project site would temporarily generate noise levels above ambient background levels. During construction, noise levels in the immediate vicinity of the construction site could be increased substantially.	Significant	4.4.1 To reduce construction noise impacts to a level of less-than-significant, the City shall require construction contractors to limit noisy construction activities from 7:00 a.m. to 6:00 p.m., Monday through Friday. These hours, which are more restrictive than the hours for construction activities permitted in the City of San Pablo Noise Ordinance (7:00 a.m. to 10:00 p.m., Monday through Friday), generally coincide with the least noise-sensitive times of the day. If operation of construction equipment is confined to hours when the most human activity occurs (i.e., not during traditional sleeping or "quiet" time) and in an area identified in the General Plan as within an "excessive noise area", paving and other construction activities are not expected to significantly affect the noise environment.	Not Significant

TABLE 1.1: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (Continued)

IMPACT	SIGNIFICANCE BEFORE MITIGATION	MITIGATION	SIGNIFICANCE FOLLOWING MITIGATION
Biological Resources			
4.5.1: The project would not result in the loss of any natural vegetation.	Not Significant	None required.	
4.5.2: Stormwater runoff from the paved parking lots at the proposed Palace Casino could introduce pollutants into the riparian zone associated with Wildcat Creek.	Significant	4.5.2: The project applicant shall obtain a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board. The permit shall require the project applicant to use best management practices outlined in the City's stormwater plan to mitigate the water quality impacts associated with stormwater runoff from the parking lot. These practices could include installation of sediment and grease traps in the stormwater drainage system at the project site to trap pollutants prior to the release of water into Wildcat Creek.	Not Significant
Public Services			
4.6.1: Development and operation of a gaming club would require additional police services.	Not significant	None required.	
4.6.2: The operation of a gaming club could result in the perception that the amount of criminal activity in San Pablo and neighboring communities would increase.	Not Significant	None required.	
4.6.3: Development and operation of a cardroom would create a demand for increased fire services.	Not Significant	None required.	

2.0 INTRODUCTION

This Environmental Impact Report (EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) and its implementing policies to evaluate the potential environmental impacts of the proposed Palace Casino Project in the City of San Pablo. The purpose of the EIR is to identify the potential environmental impacts associated with the proposed construction and/or operation of a cardroom and to identify mitigation measures to reduce or avoid any significant environmental impacts.

The EIR is a public disclosure document intended to assist the City of San Pablo in reviewing the proposed project. It is also intended to inform governmental decision-makers and the public about the potential significant environmental effects of the proposed project that could occur with implementation. Pursuant to CEQA Guidelines Section 15002(g), environmental effects considered in this EIR are limited to those impacts capable of effecting a change in the physical conditions in the area affected by the project.

This document is circulated to local, state and federal agencies and to interested organizations and individuals who may want to review and comment on the report. Written comments may be received at the City of San Pablo during the 45-day review period and oral comments may be received at the public hearing on the Draft EIR that will be scheduled and publicly noticed by the City. All comments received, and responses to pertinent comments, will appear in a Response to Comments Addendum. This Response to Comments document, together with the Draft EIR, will constitute the Final EIR.

A Notice of Preparation (NOP) and an Initial Study was published by the City of San Pablo on August 10, 1994 (see Appendix 8.1). These documents focused the scope of this EIR to include six environmental topics: land use, plans, and policies; transportation, circulation, and parking; air quality; noise; biological resources; and public services. Responses to the NOP and Initial Study are included in Appendix 8.2.

USES OF THE EIR

An EIR is an informational document that is intended to inform public agency decision-makers and the public generally of the significant environmental effects of a proposed project; to

identify possible ways to minimize the proposed project's significant effects; and to describe reasonable alternatives to the proposed project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency (CEQA Guidelines Section 15121).

The EIR is intended to assist the City of San Pablo in reviewing the proposed project. The City of San Pablo, as the lead decision-making agency for the proposed project, will use this EIR along with other information, in determining whether the project should be approved and also determining what, if any, conditions should be attached to potential project approval. The San Pablo City Council is responsible for either granting or denying approval of the proposed project. In order to implement the proposed project, the following City approvals would be required:

- Certification of the EIR
- Approval of a use permit for the project
- Issuance of a gaming license
- Approval of a Disposition and Development Agreement (DDA) with the San Pablo Redevelopment Agency

In addition, the project would be required to obtain a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board to discharge stormwater into Wildcat Creek.

3.0 PROJECT DESCRIPTION

3.1. PROJECT LOCATION

REGIONAL

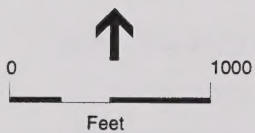
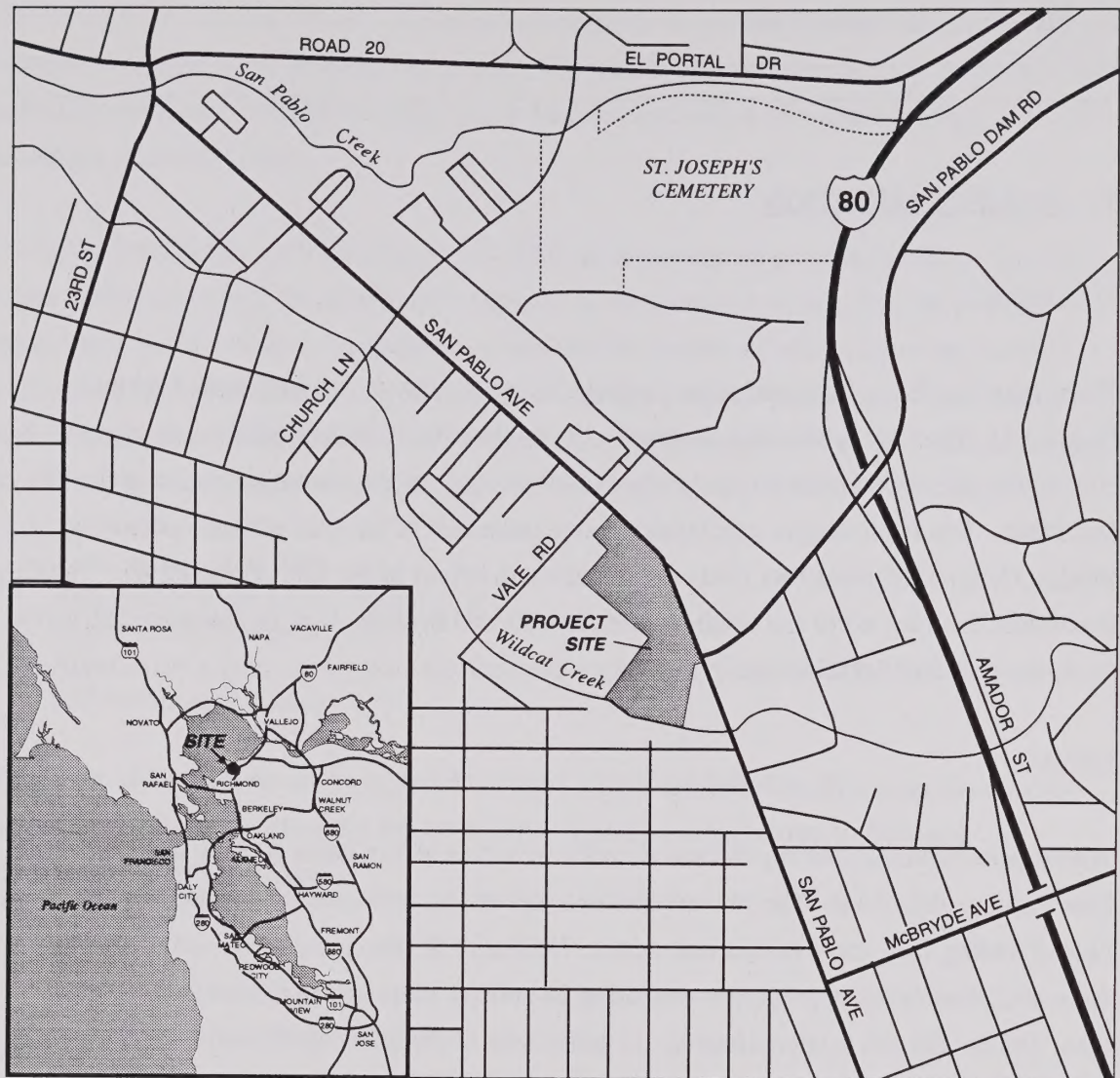
The City of San Pablo is located approximately 15 miles north of Oakland along I-80 (see Figure 3.1). The City is bordered predominantly by the City of Richmond; the unincorporated community of El Sobrante is located to the north and south of the eastern extension of the City of San Pablo. San Pablo Bay is approximately five miles east of the City and the northern tip of Wildcat Canyon Regional Park abuts the southeastern border of the City of San Pablo. The City is accessed from the north and south by Interstate 80, and from the west by Interstate 580 across the Richmond-San Rafael bridge.

LOCAL

The proposed gaming club site is located on the west side of San Pablo Avenue from San Pablo Dam Road to Vale Road. The site includes two parcels that are currently occupied by the Lucky Lanes bowling alley and a mobile home park. Neither of the two parcels are included on the State of California list of properties containing hazardous waste and/or substances (California EPA, 1992). The site is approximately 0.5 miles west of the Interstate 80/San Pablo Dam Road interchange (see Figure 3.1). Local access to San Pablo Avenue is via San Pablo Dam Road, McBryde Avenue, Church Lane, and Vale Road.

3.2. PROJECT AUTHORIZATION

In a special election held on April 12, 1994 San Pablo voters approved Measure C, which would permit legal gambling. Ordinance No. 94-001 authorizes the establishment and operation of gaming clubs in the City of San Pablo and amends the zoning code to allow gaming clubs in the C-1 Zone subject to a use permit. The following provides a summary of the enabling ordinance (see Appendix 8.3 for the entire text of Ordinance 94-001).



SOURCE: Environmental Science Associates

San Pablo Card Room / 940134 ■

Figure 3.1
Regional Location

Ordinance No. 94-001

The State Gaming Registration Act allows certain forms of cardroom gambling in California. In particular, Ordinance No. 94-001 regulates: the persons who would own, operate or be employed in gaming clubs; the number and size of gaming clubs in the City; the operation of gaming clubs in the City; and, the issuance of permits and licenses, including limitations on transfer and assignment, for gaming clubs. A gaming club, as defined in Ordinance No. 94-001, is a "business or enterprise licensed under the provisions of this chapter for the playing of gambling games permitted under the laws of the State of California, provided such games are approved by license, ordinance or resolution of the City Council."

Ordinance No. 94-001 requires that a valid license be obtained for establishment of any gaming club, and that the maximum number of gaming clubs correspond to the population in the City (see Table 3.1). In the event that applications for gaming club license exceed the available licenses allowed under the Ordinance, the City Council shall select successful applicants based on the following criteria:

- least disruptive location to the residents of the City of San Pablo;
- greatest likelihood of faster processing of application, as indicated by time of submittal of application;
- best program for policing the operation;
- greatest income potential for the City of San Pablo;
- best potential for quality operation; and
- any other considerations that will protect the public interest.

TABLE 3.1: NUMBER OF GAMING CLUBS PERMITTED IN THE CITY OF SAN PABLO
UNDER ORDINANCE NO. 94-001

<u>Population of City</u>	<u>Maximum Number Authorized</u>
0 - 40,000	1
40,001 - 60,000	2
60,001 - 80,000	3

SOURCE: City of San Pablo

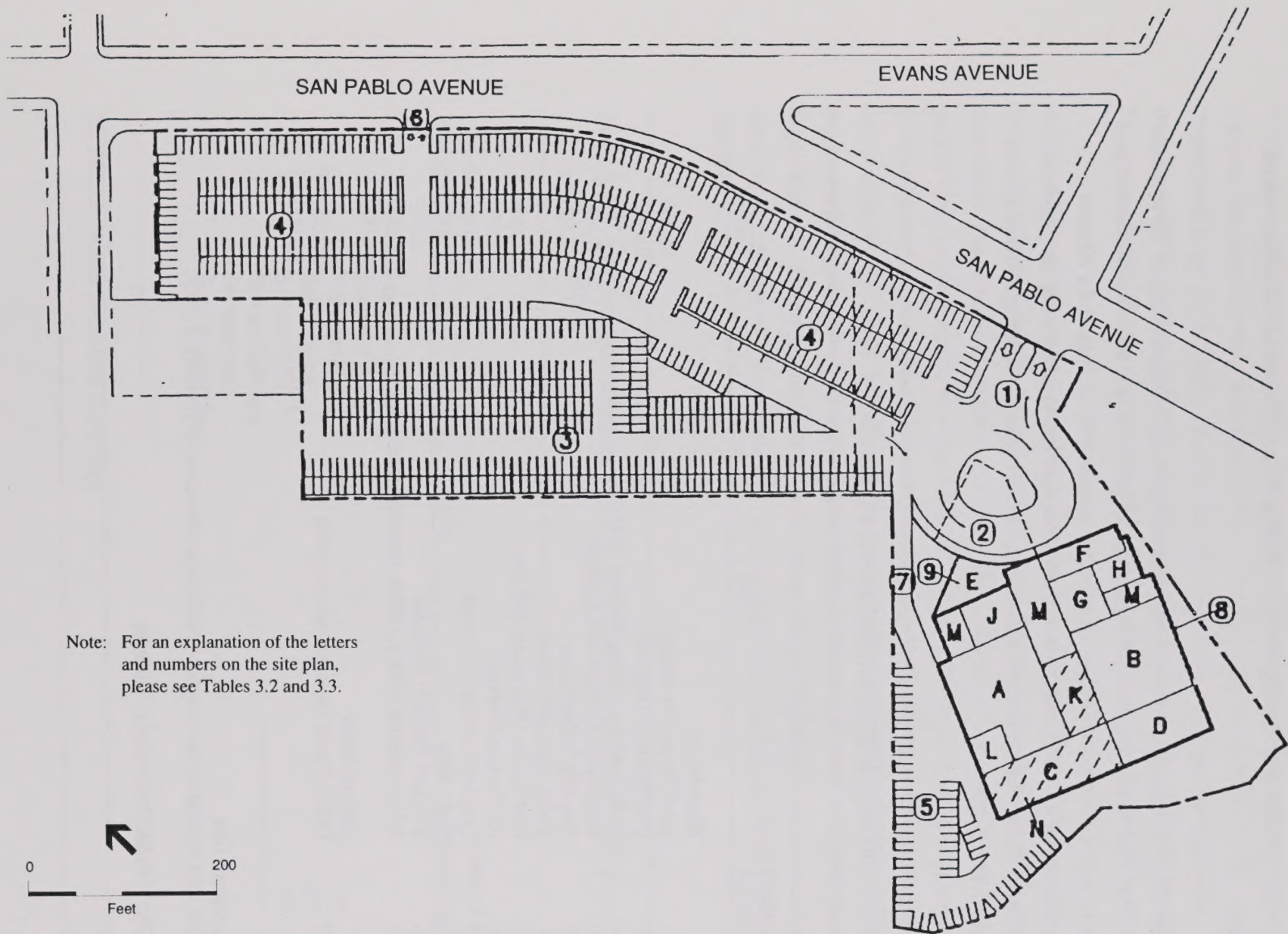
An established gaming club in San Pablo may not normally be considered for relocation, nor shall the cardroom permit be transferred to any other person or group except as provided in the Ordinance. A valid registration must be secured by the gaming club applicant from the Attorney General of the State of California, and the games to be conducted at the cardroom must be in full conformity with all laws of the state as well as the City, including California Penal Code Section 330. The number of gaming tables established in the permit must be used in the gaming club, and that number must not be less than 30 tables. The gaming club and all of its facilities shall be open at all times during business hours to inspection by the City Manager and Police Department. A business license tax shall be levied by the City on the monthly gross revenue of the gaming club.

All employees of the gaming club must be registered with the San Pablo Police Department and a background check on prospective employees must be conducted. The San Pablo Police Department may deny a prospective gaming club employee on such basis as a relevant criminal history, or false statements made during the application process. Gaming club employees shall wear identification badges at all times and shall not be permitted to gamble on the premises. No persons under age 21 may be allowed within a gaming room (except when accompanied by an adult for purposes of accessing other areas of the gaming club), and no intoxicated persons may be allowed to gamble or enter the premises. Except during tournaments approved by the City Manager, no person may be allowed to bet over \$300 at any single time. Game rules shall be posted at all times.

3.3. PROJECT CHARACTERISTICS

The project applicant proposes to operate a gaming club (The Palace Casino) on two existing parcels on the west side of San Pablo Avenue at its intersection with San Pablo Dam Road. The first parcel is 3.9 acres and currently contains one structure and a paved parking area. The project would include the remodeling of this structure (the existing Lucky Lanes bowling alley) and construction of a 2,500-square-foot addition for use as a gaming club. The second parcel (the Wong Property) is 5.4 acres and includes a mobile home park with some permanent buildings. The project applicant proposes to remove the 38 mobile homes and four buildings from the Wong Property, which is immediately north of the Lucky Lanes parcel, to construct a surface parking lot. The proposed site plan is presented as Figure 3.2.

No excavation or extensive earth moving activities are anticipated as part of the proposed project. In addition, no extensions or replacement of utility systems is expected. If any



Note: For an explanation of the letters and numbers on the site plan, please see Tables 3.2 and 3.3.

SOURCE: Matlin Dvoretzky & Partners

San Pablo Card Room / 940134 ■

Figure 3.2
Proposed Site Plan

trenching activities are required during the construction phase of the proposed project, this activity would be subject to the City's policy regarding the preservation of subsurface cultural resources.

The remodeled bowling alley would provide approximately 66,000 square feet for the proposed Palace Casino and its ancillary uses. The gaming club would include two 50-table cardrooms, a cocktail lounge, a 90-seat coffee shop, an 80-seat restaurant (fine dining), and a 100-seat banquet/meeting room. Table 3.2 presents the various uses included as part of the proposed Palace Casino and the square footage associated with each use. The locations of these uses are presented in Figure 3.2.

TABLE 3.2: PROPOSED USES AT THE PALACE CASINO

Area Labeled on Figure 3.2	Use	Size /a/
First Floor		
A	Card Room (50 tables)	10,000
B	Card Room (50 tables)	10,000
C	Main Kitchen, Shops, Storage, Utilities	7,500
D	Employee's Lockers and Lounge	5,000
E	Security Surveillance	2,500 /b/
F	Coffee Shop (90 seats)	2,000
G	Fine Dining/Restaurant (80 seats)	2,000
H	Kitchen and Service	2,000
J	Cocktail Lounge (30 seats)	1,500
K	Cage Area	3,000
L	Banquet Room (100 seats)	2,500
M	Miscellaneous (lobby, office, restrooms, circulation)	<u>8,000</u>
		56,000
Second Floor		
N	Office Space (hatched area on plan)	<u>10,000</u> SF
	TOTAL	66,000 SF

/a/ In square feet.

/b/ The area represents the proposed addition to the remodeled bowling alley.

SOURCE: Matlin Dvoretzky & Partners

The proposed Palace Casino would operate on a 24-hour basis, seven days per week. It would operate three shifts daily and employ approximately 700 persons at full operation. The project applicant has indicated that a minimum of 30% of the jobs would be provided to City residents (represented by the project applicant to be 200 jobs). In addition, a management training program would be provided for local residents. The proposed Palace Casino would provide 71 positions for the security and surveillance force, including 52 trained security officers.

A total of 875 parking spaces would be provided at the project site. These parking spaces include the existing 315 parking spaces at the Lucky Lanes parcel, which would be repaired and resurfaced. The additional parking spaces would be provided at the Wong Property. These parking spaces include spaces for employees, self-parking patrons, and valet parking spaces. Table 3.3 presents the number of parking spaces by use. The locations of these parking spaces are presented in Figure 3.2. In addition to the parking spaces provided at the project site, the project applicant proposes to operate a regular shuttle service to and from BART (Bay Area Rapid Transit). The project applicant also anticipates that the proposed Palace Casino would enter into agreements with tour operators to provide shuttle services for patrons in San Francisco and other areas.

TABLE 3.3: PROPOSED PARKING AND ON-SITE CIRCULATION AT THE PALACE CASINO

Area Labeled on Figure 3.2	Use	Number of Parking Spaces
1	Main Entrance	
2	Drop-Off Area	
3	Valet Parking	358
4	Self-Parking	454
5	Service Area	63
6	Service Entrance	
7	Service Road	
8	Existing Building	

SOURCE: Matlin Dvoretzky & Partners

3.4. PROJECT OBJECTIVES

On the basis of the monthly gross revenues of the proposed Palace Casino during the first year of operation, the City would levy a business license tax in accordance with the schedule presented in Table 3.4. Following the first year of operation, the same tax rate shall apply provided that regardless of the monthly gross revenue, the minimum monthly tax shall be at least \$91,500. These taxes would provide the City with a minimum of \$1,098,000 per year.

TABLE 3.4: MONTHLY BUSINESS LICENSE TAX SCHEDULE FOR FIRST YEAR OF OPERATION OF THE PROPOSED PALACE CASINO

Total Monthly Gross Revenue	Monthly Tax
First \$1,000,000	10.0% plus \$7,500
Next \$1,000,001 to \$2,000,000	12.5%
Over \$2,000,000	15.0%

SOURCE: City of San Pablo

In addition to the monthly business license tax levied on the operation of the cardroom, the City would also collect 10% of the total entry fees of any tournament held at the gaming club and additional business license tax on the non-gaming operations of the proposed Palace Casino.

The project applicant has also indicated that three programs will be implemented as part of the operation of the proposed Palace Casino: (1) creation of new jobs for City of San Pablo residents; (2) establishment of the San Pablo Foundation, which would be a charity organization; and (3) establishment of a management training program for local residents through Contra Costa Community College.

REFERENCES - Project Description

California Environmental Protection Agency, *Hazardous Waste and Substance Sites List*, July 1992.

4.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATIONS

4.1 LAND USE, PLANS AND POLICIES

SETTING

Regional Land Use

The City of San Pablo is a 2.5 square mile urbanized area incorporated in 1948. Nearly 80 percent of the City's land area is included in redevelopment project areas. Approximately 52 percent of the City's land is residential including single family homes, multi-family units, and mobile home parks (City of San Pablo, 1980). Low density residential uses are located away from commercial areas and major streets, with residential densities increasing in already established multi-family neighborhoods and commercial areas. As noted in the General Plan, although mobile home parks provide a source of low-income housing in San Pablo, most do not meet modern design criteria and are considered substandard.

Commercial land uses make up approximately 11 percent of the total land use mix and are located primarily along San Pablo Avenue, El Portal Drive, Rumrill Boulevard, 23rd Street, and San Pablo Dam Road. A variety of commercial uses are located in these areas including shopping centers, storage facilities, and fast food franchises. The City's central business district is located along El Portal Drive. Parks and open space areas are primarily along San Pablo and Wildcat Creeks with additional open space provided in some hillside areas in the Oak Park neighborhood.

Existing Land Uses

The proposed project site is located at the intersection of San Pablo Avenue and San Pablo Dam Road, just west of Interstate 80, and includes two properties. The first property, which is currently occupied by the Lucky Lanes Bowling Alley, is 3.9 acres and contains a 56,000 square-foot structure and a deteriorating parking lot. The second property (referred to as the Wong property) is 5.4 acres and contains a mobile home park with 38 mobile homes and four permanent buildings that house 28 rental units. Twelve mobile homes are currently vacant and only three of the rental units are currently occupied.

The project site is located in the southeastern corner of the city in a predominantly commercial area. Land uses immediately adjacent to the project site include a residential neighborhood to the west in the City of Richmond across Wildcat Creek, Brookside Hospital to the northwest, a commercial and residential area to the north, a Moose Lodge to the south, and a mix of commercial and residential uses (including retail, fast food, and convalescent hospital uses) to the east across San Pablo Avenue. Figure 4.1.1 presents the land uses in the project site vicinity.

General Plan and Zoning Designations

The Palace Casino site is located on five parcels of land that are designated "commercial" or "commercial / high rise" in the City of San Pablo General Plan (see Figure 4.1.2). The "commercial" designation is intended for commercial or office use. The "commercial / high rise" designation is intended to accommodate commercial development, high-rise residential development, or a mixture of both uses.

As shown in Figure 4.1.3, all five parcels are zoned C-1, Light Commercial, which allows food and retail stores, restaurants, service establishments, and private clubs and lodges. Taverns and adult entertainment businesses are also permitted uses; however, if they are located within 250 feet of a residential district, the developer must first obtain a use permit. The Lucky Lanes Bowling Alley property consists of two parcels on 3.9 acres (APN 417-202-001, 417-202-003), and the adjacent Wong property comprises the remaining three parcels (APN 417-190-014, 417-190-015, 417-190-016). Ordinance 94-001, adopted on April 12, 1994, amended the City of San Pablo Zoning Code to allow gaming clubs in the C-1 zone subject to a use permit.

General Plan Policies

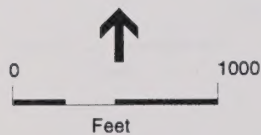
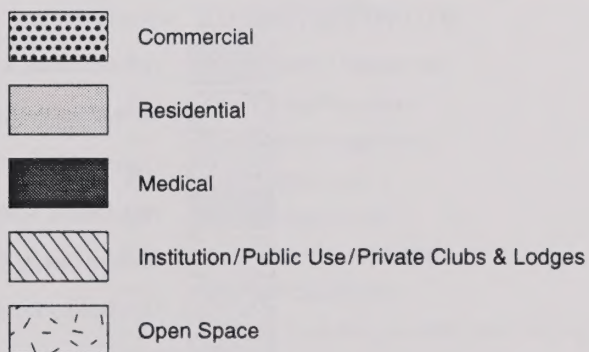
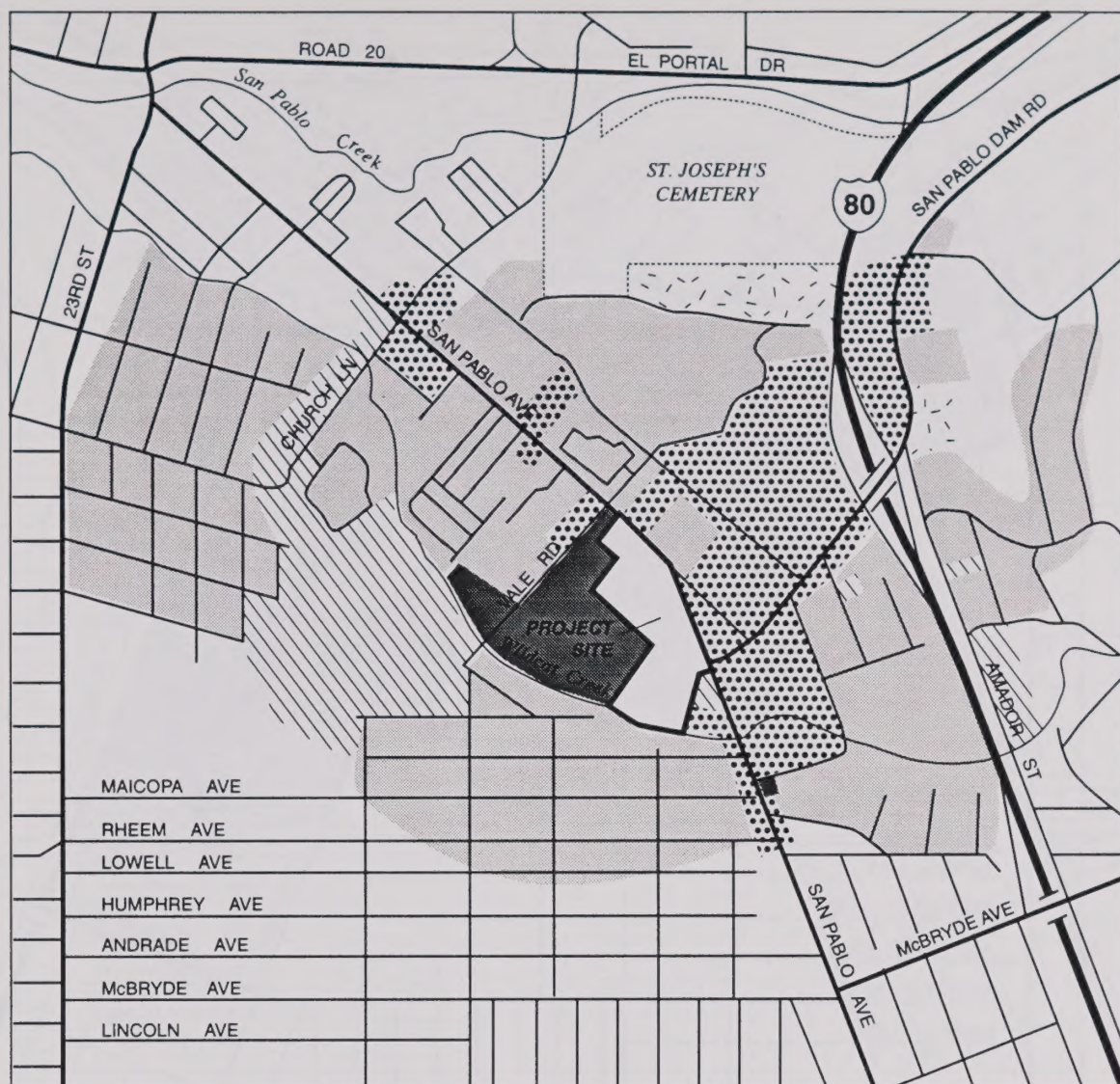
City of San Pablo General Plan

The following goals are taken from the Land Use Element of the City of San Pablo General Plan and apply to the proposed project:

"Goal 2. Provide a variety of affordable housing types to serve the needs of present and future residents of the community."

"Goal 5. Provide an adequate level of public services and cultural and recreational facilities for all residents."

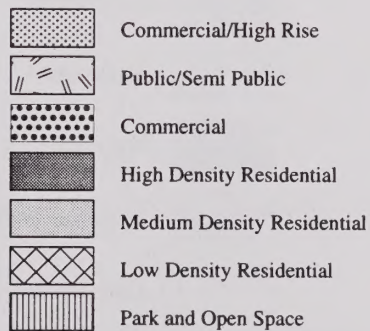
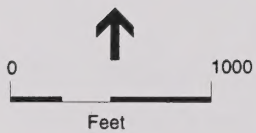
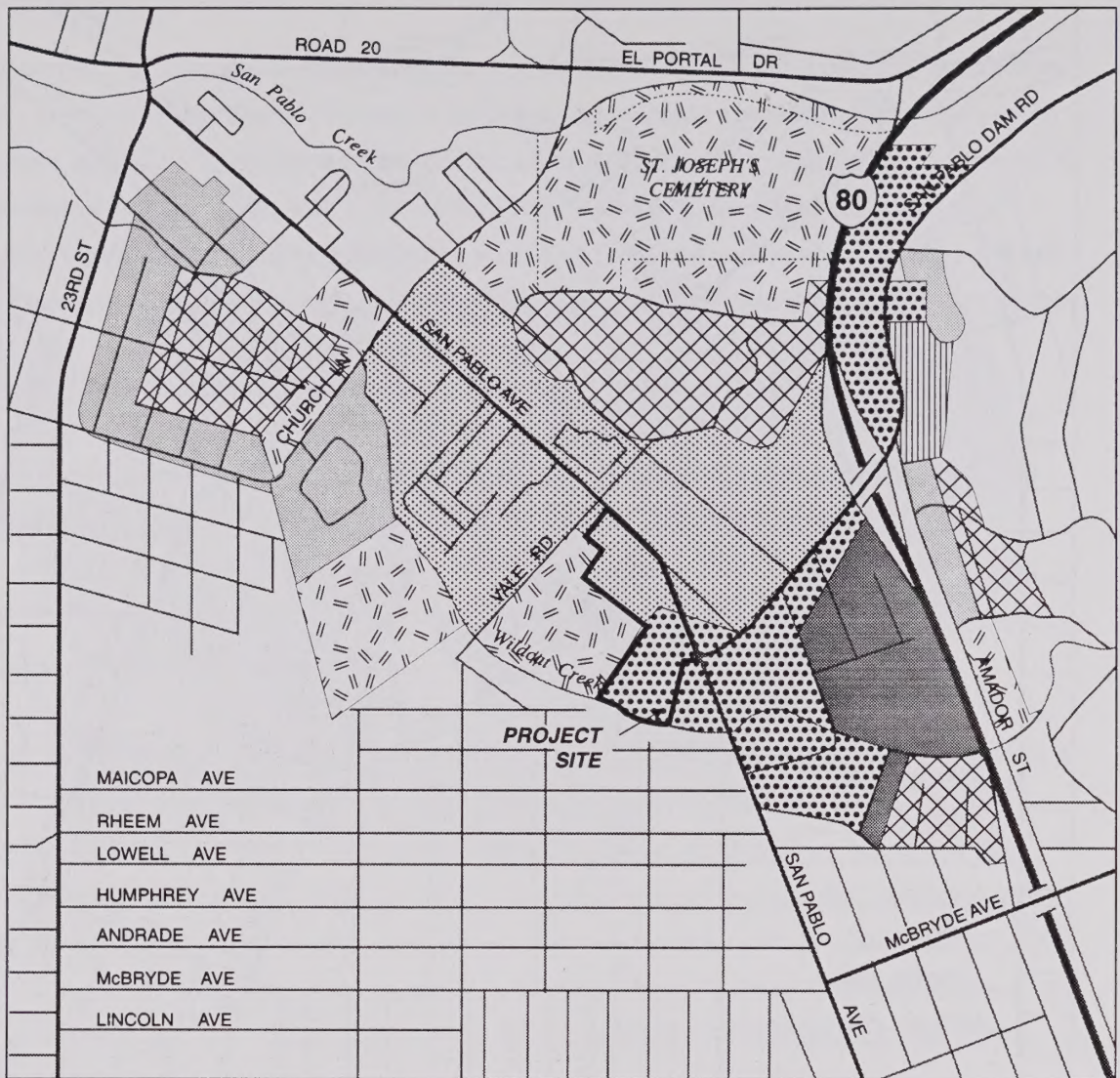
"Goal 8. Promote high design standards for new construction through design review and citizen input."



SOURCE: Environmental Science Associates

San Pablo Card Room / 940134 ■

Figure 4.1.1
Surrounding Land Use



SOURCE: Environmental Science Associates

San Pablo Card Room / 940134 ■

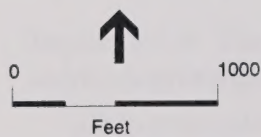
Figure 4.1.2
General Plan Land Use Designations



----- ZONING DISTRICTS

- R1 Single-Family Residential
- R2 Two-Family Residential
- R3 Multi-Family Residential
- C1 Light Commercial
- C2 Heavy Commercial
- C3 Central Business District
- PC Planned Community

R1:B-10 Special Combining Building Site District (single-family)



SOURCE: Environmental Science Associates

San Pablo Card Room / 940134 ■

Figure 4.1.3
Current Zoning Designations

The following policy is taken from the Land Use Element of the City of San Pablo General Plan:

"Professional offices and other quality commercial uses are encouraged along San Pablo Avenue between the South Entrance and El Portal Center. These include banks, law offices, etc. Together with recent office and residential developments along San Pablo Avenue and the Civic Center, future commercial use should contribute to the concept of the City Center."

SIGNIFICANCE CRITERIA

Appendix G of the CEQA *Guidelines* establishes that a project would normally have a significant effect on existing land uses if it would: 1) disrupt or divide the physical arrangement of an established community; 2) conflict with established recreational, educational, religious or scientific uses of an area; or 3) conflict with adopted environmental plans and goals of the community where it is located.

Appendix I of the CEQA *Guidelines* indicates that a project would have a significant effect on the environment if it would result in a substantial alteration of the present or planned use of an area.

IMPACTS AND MITIGATION MEASURES

Impact 4.1.1: The proposed project would alter the existing uses of the Lucky Lanes parcel at the project site. This would be a less-than-significant impact.

The proposed project would remodel the existing Lucky Lanes bowling alley structure for use as a gaming club. Both a bowling alley and a gaming club are considered to be recreational land uses. Therefore, no significant change to the existing use of the land would occur.

Since the proposed project would use the existing building on the site and no improvements to Wildcat Creek are planned, the project would not inhibit or preclude future development of the planned regional trail along Wildcat Creek.

The parking lots and the signage associated with the proposed Palace Casino could result in the generation of additional light and glare in the site vicinity. Any new lighting would be limited to the new parking lots and signage along the San Pablo Avenue frontage of the site. The City

would conduct design review as part of the use permit process and would require that the project applicant install lighting and signage that conforms with City policies.

Mitigation Measure 4.4.1.

None required.

Impact 4.1.2: The proposed project would result in the removal of 38 mobile homes and four buildings from the Wong Property. This is would be less-than-significant impact.

Converting the mobile home park to a parking lot would remove "an important source of low-income housing" according to the City of San Pablo General Plan. Because most of the mobile home parks in San Pablo are considered substandard, the General Plan Land Use Element states that innovative solutions are needed to upgrade or transform these areas into suitable residential environments. One of the goals of the City's Housing Element is to upgrade the housing stock in San Pablo. Two separate low- and very-low income housing developments have been approved by the City that would replace the units removed from the Wong Property. These projects include 32 units on Rumrill Boulevard and 21 units on Church Lane. In addition, the City of San Pablo would prepare and implement a plan to relocate the residents of the mobile home park with comparable housing park in accordance with State of California guidelines (see pages 10-11 of Appendix 8.1). Therefore, the conversion of residential uses on the site would not result in a significant impact.

Mitigation Measure 4.1.2.

None required.

Impact 4.1.3: The proposed project would generally conform with General Plan policies and zoning designations. This is would be less-than-significant impact.

The project site is currently designated for commercial / high rise development, and is zoned C-1 for Light Commercial use. Ordinance 94-001 authorizes casinos within the C-1 zone subject to a use permit. Since the proposed commercial project would conform with existing land use and zoning designations, this would not create a significant impact.

The project would provide a recreational facility for residents of San Pablo and surrounding communities, and thus would be consistent with Goal 5 of the Land Use Element. Since the project applicant would present building designs to both city officials and the public for review, the project would also be consistent with Goal 8 of the Land Use Element.

The proposed project would remove the mobile home park to expand the parking area for the casino. The Land Use Element states that mobile home parks are "an important source of low-income housing." Goal 2 of the Land Use Element is to provide a variety of affordable housing types. Although the proposed project would remove the mobile home park, it would not reduce the variety of affordable housing types in the area. Several other mobile home parks are located throughout the city. In addition, the City of San Pablo would prepare and implement a plan to relocate the residents of the mobile home park with comparable housing in accordance with State of California guidelines (see pages 10-11 of Appendix 8.1). Therefore, the project would be consistent with Goal 2 of the Land Use Element.

The Land Use Element also states that most of the mobile homes in San Pablo are substandard, and innovative solutions are needed to upgrade or transform these areas into suitable residential environments. Under the proposed project, the mobile home park would be converted to a nonresidential use, which would not conform with this policy. However, the Land Use Element considers mobile homes to be legal, non-conforming uses. The proposed gaming club, which is a commercial use, would conform with General Plan and zoning designations. Since the project would replace a non-conforming use with a conforming use, this would not be a significant impact.

Mitigation Measure 4.1.3.

None required.

REFERENCE - Land Use, Plans and Policies

City of San Pablo, *General Plan*, adopted October 1980.

4.2 TRANSPORTATION, CIRCULATION, AND PARKING

This section is a summary of the traffic impact analysis prepared by Dowling Associates.

Appendix 8.4 presents the entire traffic impact analysis report. Appendix 8.5 presents the traffic volumes used in the traffic impact analysis.

SETTING

Roadway Characteristics

The project site is immediately west of the intersection of San Pablo Avenue and San Pablo Dam Road in the City of San Pablo. Interstate 80 (I-80) is a six-lane freeway that is part of the regional roadway network. I-80 provides access to San Pablo from Oakland and San Francisco to the south and west and Vallejo and Sacramento to the north and east. Access from I-80 to the project site is provided at interchanges with San Pablo Dam Road, McBryde Avenue, and San Pablo Avenue. The predominant traffic flow on I-80 is westbound during the AM peak hour and eastbound during the PM peak hour.

San Pablo Dam Road is a major arterial that links the City of San Pablo with the unincorporated community of El Sobrante. San Pablo Dam Road has four travel lanes and is a major access to the project site. Signalized intersections are located at the I-80 freeway eastbound ramps, the I-80 westbound ramps, and the intersection of San Pablo Dam Road and San Pablo Avenue. The predominant traffic flow on San Pablo Dam Road is westbound during the AM peak hour and eastbound during the PM peak hour.

San Pablo Avenue is a major four-lane arterial that connects San Pablo with Pinole to the north and Richmond to the south. The predominant traffic flow on San Pablo Avenue is southbound during the AM peak hour and northbound during the PM peak. Signals provided along San Pablo Avenue in the site vicinity include McBryde Avenue, San Pablo Dam Road, Vale Road, Church Lane, and 23rd Street at major intersections.

Traffic Characteristics

Local Intersections

Traffic Volumes. The existing land uses at the site currently generate about 20 trips in the AM peak hour and about 120 trips in the PM peak hour.

Seven intersections were selected for the analysis of the effect of project-related traffic on areawide intersections. The study intersections (listed below and presented in Figure 4.2.1) include locations in San Pablo as well as Richmond. All study intersections are controlled by traffic signals.

- I-80 eastbound (EB) on/off ramp and San Pablo Dam Road
- I-80 westbound (WB) on/off ramp and San Pablo Dam Road
- San Pablo Avenue and McBryde Avenue
- San Pablo Avenue and San Pablo Dam Road
- San Pablo Avenue and Vale Road
- San Pablo Avenue and Church Lane
- San Pablo Avenue and 23rd Street

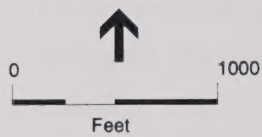
Recent existing traffic volume data was available at all of these locations except for the San Pablo Dam Road and I-80 eastbound on/off ramp intersection. For this location, a traffic volume estimate was made from a 1990 count. The estimate was based on growth from 1990 to 1994 at the adjacent I-80 westbound on/off ramp intersection. The source of the traffic counts for the existing condition was the San Pablo Avenue Signal Coordination Study completed in August 1993 and the Contra Costa County Congestion Management Plan (CMP) for 1994.

Level of Service. The capacity of an urban street, defined as the maximum number of vehicles that can pass through its intersections, is controlled by the capacity at its intersection with other roadways. The concepts of capacity and level of service (LOS) are central to the analysis of all intersections. Capacities are typically calculated on a peak hour basis and expressed in vehicles per hour or passenger car equivalents per hour. A six-range level of service scale has been established, from LOS A to LOS F. According to standard traffic engineering practices, LOS A, B and C reflect acceptable conditions, LOS D reflects the existence of delays within a generally tolerable range, while LOS E, and F indicate unacceptable delays. **The City of San Pablo uses level of service "D" as the worst-case peak-hour condition to determine potential traffic impacts.** A more detailed description of each level of service at intersections with differing traffic controls is given in Table 4.2.1.

A critical movement analysis method was used to calculate the existing level of service (LOS) at the study intersections. The VCCC program, developed by TJKM, was used to perform the LOS analysis in accordance with the City's requirements. The critical movement analysis calculates the volume-to-capacity (V/C) ratios of each critical signal phase at an intersection. These V/C ratios are added to obtain the V/C ratio for the intersection as a whole. The LOS is determined



- 1 I-80 eastbound on/off ramp and San Pablo Dam Road
- 2 I-80 westbound on/off ramp and San Pablo Dam Road
- 3 San Pablo Avenue and McBryde Avenue
- 4 San Pablo Avenue and San Pablo Dam Road
- 5 San Pablo Avenue and Vale Road
- 6 San Pablo Avenue and Church Lane
- 7 San Pablo Avenue and 23rd Street



SOURCE: Environmental Science Associates

San Pablo Card Room / 940134 ■

Figure 4.2.1
Roadway System and Key Intersections
in the Study Area

TABLE 4.2.1: LEVEL OF SERVICE CRITERIA FOR SIGNALIZED INTERSECTIONS

Level of Service	Typical Operating Characteristics	Volume/Capacity (v/c) Ratio/a/
A	Level of Service A describes a condition where the approach to an intersection appear quite open and turning movements are made easily. Little or no delay is experienced. No vehicles wait longer than one red traffic signal indication. The traffic operation can generally be described as excellent.	0.00-0.60
B	Level of Service B describes a condition where the approach to an intersection is occasionally fully utilized and some delays may be encountered. Many drivers begin to feel somewhat restricted within groups of vehicles. The traffic operation can generally be described as very good.	0.61-0.70
C	Level of Service C describes a condition where the approach to an intersection is often fully utilized and back-ups may occur behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so. The driver occasionally may have to wait more than one red traffic signal indication. The traffic operation can generally be described as good.	0.71-0.80
D	Level of Service D describes a condition of increasing restriction causing substantial delays and queues of vehicles on approaches to the intersection during short times within the peak period. However, there are enough signal cycles with lower demand such that queues are periodically cleared, thus preventing excessive back-ups. The traffic operation can generally be described as fair.	0.81-0.90
E	Capacity occurs at Level of Service E. It represents the most vehicles that any particular intersection can accommodate. At capacity there may be long queues of vehicles waiting upstream of the intersection and vehicles may be delayed up to several signal cycles. The traffic operation can generally be described as poor.	0.91-1.00
F	Level of Service F represents a jammed condition. Back-ups from locations downstream or on the cross street may restrict or prevent movement of vehicles out of the approach under consideration. Hence, volumes of vehicles passing through the intersection vary from signal cycle to signal cycle. Because of the jammed condition, this volume would be less than capacity.	1.01+

/a/ Capacity is defined as Level of Service E.

SOURCE: Environmental Science Associates, Inc. from *Transportation Research Circular No. 212*, Transportation Research Board, 1980.

by the intersection V/C ratio. Note that the 1992 version of the VCCC program was used for this analysis, which is different from the 1991 version because the assumed lane capacity increased from the previous version. Therefore, the levels of service at the study intersections are slightly better than those estimated in previous analyses of these intersections.

Table 4.2.2 summarizes the existing AM and PM peak hour levels of service at the study intersections.

TABLE 4.2.2: EXISTING PEAK-HOUR INTERSECTION LEVEL OF SERVICE IN THE STUDY AREA

Intersection	Existing Conditions			
	AM Peak Hour		PM Peak Hour	
	V/C	LOS	V/C	LOS
I-80 EB on/off Ramp and San Pablo Dam Road	0.84	D	1.01	F
I-80 WB on/off Ramp and San Pablo Dam Road	0.81	D	0.74	C
San Pablo Avenue and McBryde Avenue	0.47	A	0.57	A
San Pablo Avenue and San Pablo Dam Road	0.42	A	0.66	B
San Pablo Avenue and Vale Road	0.53	A	0.61	B
San Pablo Avenue and Church Lane	0.58	A	0.58	A
San Pablo Avenue and 23rd Street	0.88	D	0.67	B

SOURCE: Dowling Associates

Of the seven intersections analyzed, one intersection exceeds the City's level of service criteria during the PM peak period. The intersection of I-80 EB on/off ramp and San Pablo Dam Road is operating at LOS F during PM peak period.

Transit

Transit service that serves the study area is the Alameda-Contra Costa Transit District (AC Transit), which provide bus service throughout Alameda and Contra Costa Counties. AC Transit bus routes in the study area are as follows:

Routes 72 and 72L	Operates along San Pablo Avenue with a 10-15-30 minute headway from 5:30 am to 10:30 pm.
Route 70	Operates along San Pablo Avenue during the AM and PM peak hours.
Routes LA, LB, and LC	Operates during the AM and PM peak hour and connects San Pablo with the San Francisco Transbay Terminal.

In addition, the Richmond Station of Bay Area Rapid Transit (BART) is approximately two miles south of the project site.

Parking

The existing Lucky Lanes bowling alley currently has 315 parking spaces. On-street parking occupancy is generally light given the ample off-street parking at the adjacent land uses, such as shopping centers and Brookside Hospital.

SIGNIFICANCE CRITERIA

According to CEQA standards, a project that would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system is considered to have a significant adverse impact on the environment.

Two criteria were used to evaluate the effects of the project's traffic on the study intersections.

- The impacts are considered significant if the level of service exceeds the City's criteria of LOS D.
- A noticeable change in traffic conditions will occur if the V/C ratio changes by five percentage points or more. This change in conditions may be considered significant if it causes a change in the level of service or brings an intersection very near to exceeding the LOS D criteria above.

For parking, the project would be considered to have a significant impact if the project's minimum parking requirement (as determined on the basis of the City's standards) would exceed the proposed supply of on-site parking spaces that would be available to serve the project. Additionally, significant impacts would result if the safety of pedestrians, bicyclists, or motor vehicles on- or off-site would be adversely affected by the circulation of project traffic on local streets and intersections.

IMPACTS AND MITIGATION MEASURES

Project Trip Generation

Traffic generation for a new development is usually based upon accepted standard rates found in references, such as Institute of Transportation Engineers, ITE, *Trip Generation 5th Edition*. For proposed land uses not listed in the trip generation references, trip generation rates are best based upon recent surveys of similar land uses. Trip generation rates for this study were obtained from two sources: *Trip Generation, 5th Edition* published by ITE, and recent surveys of gaming clubs.

Trip generation rates for the office, fine dining restaurant, bar/lounge, and coffee shop were obtained from the ITE *Trip Generation, 5th Edition*. Trip generation rate for the card tables was obtained from recent surveys of The Oak's Club in Emeryville and the Artichoke Joe's in San Bruno. By applying these trip generation rates, it is estimated that the project will generate about 2,525 daily trips. About 246 of these trips would occur during the AM peak hour and 613 of these trips would occur during the PM peak hour. Table 4.2.3 details the project trip generation estimate. Since the banquet room would be used infrequently (for special occasions only), it is assumed that it would have an insignificant effect on peak hour traffic conditions.

As stated earlier the land uses on the site currently generate about 20 trips in the AM peak hour and 121 trips in the PM peak hour. Since the proposed project would replace the existing land uses (the bowling alley and the mobile home park), the net increase in trip generation due to the project is about 227 AM peak hour trips and 492 PM peak hour trips.

Project Trip Distribution/Assignment

The directional distribution of project traffic is based upon a Demographic Analysis for the proposed Palace Casino, prepared by Lapkoff & Gobalet Demographic Research, Inc. in 1993, discussions with City staff, existing traffic patterns, and professional judgment. It is assumed that 20 percent of the total trips generated would be from local areas within 5 miles of the project site. Most of these local trips are assumed to use surface streets, but it is also assumed that a small portion of the local traffic would use I-80. The remaining 80 percent would be regional traffic. The local trips are assumed to split 50/50 between north and south. One-fourth of the regional traffic is assumed to travel to and from the north (Pinole, Vallejo, etc.) and three-fourths to travel to and from the south (Oakland, San Francisco, etc.). The regional traffic traveling to

TABLE 4.2.3: PROJECT TRIP GENERATION ESTIMATES

Land Use	Units	Daily Rate Per Unit	Daily Trips	AM PEAK HOUR				PM PEAK HOUR			
				Rate	IN	OUT	Total	Rate	IN	OUT	Total
Office	10.0 KSF	24.6	246	3.2	29 (89%)	3 (11%)	32	3.40	6 (17%)	28 (83%)	34
Dining Restaurant	16 Seats/a/	2.86	46	0.03	0 (94%)	0 (.06%)	0	0.23	3 (70%)	1 (30%)	4
Coffee Shop	18 Seats/a/	6.57	118	0.51	5 (50%)	5 (50%)	10	0.59	6 (54%)	5 (46%)	11
Card Tables	100 Tables	21.14/b/	2,114	2.04/c/	112 (55%)	92 (45%)	204	5.6/d/	290 (51%)	270 (49%)	560
Bar/Lounge	0.3 KSF	N/A	N/A	N/A	N/A	N/A	N/A	15.49	3 (68%)	1 (32%)	4
Total Project Trips			2,524		146	100	246		308	305	613
Existing Site Trips					11	8	19		59	62	121
Net New Project Trips					135	92	227		249	243	492

/a/ Based upon discussion with project sponsor 20 percent of the available seats to be used by patrons not using the casino. This assumption produces a trip estimate which is conservative on the high side, but results in only 10 additional AM peak hour trips and 15 additional PM peak hour trips.

/b/ Daily Rate = (14 x AM Rate + 10 x PM Rate)/4

Assumptions: (1) AM rate for 14 hours in a day; (2) PM rate for 10 hours in a day; and (3) Average time of occupancy of each table is 4 hours (generally 5 hours but discounted by 1 hour for employee trips).

/c/ AM Peak Rate = 2.2/1.08 (person trip ends divided by average vehicle occupancy)

/d/ PM Peak Rate = 6.5/1.16 (person trip ends divided by average vehicle occupancy)

SOURCE: ITE Generation Manual 5th edition; Environmental Science Associates

and from the north is assumed to use the I-80 westbound off-ramp and eastbound on-ramp at San Pablo Dam Road. Whereas the regional traffic traveling to and from the south is assumed to use the I-80 eastbound off-ramp and westbound on-ramp at San Pablo Dam Road.

Traffic Volumes/Level of Service

The project traffic impacts were evaluated under the following three conditions:

- existing with project;
- future without project; and
- future with project.

Existing With Project Conditions

Traffic from the proposed Palace Casino was added to existing traffic volumes at the study intersections to represent the existing with project conditions. Table 4.2.4 presents the existing AM and PM peak hour LOS with and without the project.

Levels of service for study intersections during the AM and PM peak hours would not change except for the I-80 westbound on/off ramps and San Pablo Dam Road intersection (from LOS C to LOS D during the PM peak hour) and the San Pablo Avenue and San Pablo Dam Road intersection (from LOS B to LOS D during the PM peak hour).

Future Without Project Conditions

The future forecast volumes for year 2000 are from the West Contra Costa County Action Plan: Future Conditions Background Report. These future forecast volumes reflect future roadway and/or freeway improvements, such as the proposed overpass on the Richmond Parkway (which will divert traffic from San Pablo Avenue) and the capacity improvements on I-80. In addition, these future forecast volumes also reflect planned development activities within the study area. Table 4.2.5 presents the future AM and PM peak hour LOS without the project.

Levels of service for study intersections in the year 2000 during the AM and PM peak hours would not change from the existing levels of service except for the I-80 westbound on/off ramps and San Pablo Dam Road intersection (from LOS D to LOS C during the PM peak hour), the San Pablo Avenue and Vale Road intersection (from LOS B to LOS A during the PM peak hour),

TABLE 4.2.4: EXISTING LEVEL OF SERVICE WITH AND WITHOUT THE PROPOSED PALACE CASINO

Intersection	Existing Conditions Without Project				Existing Conditions With Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS
I-80 EB on/off Ramp and San Pablo Dam Road	0.84	D	1.01	F	0.86	D	1.03	F
I-80 WB on/off Ramp and San Pablo Dam Road	0.81	D	0.74	C	0.86	D	0.86	D
San Pablo Avenue and McBryde Avenue	0.47	A	0.57	A	0.47	A	0.56	A
San Pablo Avenue and San Pablo Dam Road	0.42	A	0.66	B	0.52	A	0.89	D
San Pablo Avenue and Vale Road	0.53	A	0.61	B	0.53	A	0.61	B
San Pablo Avenue and Church Lane	0.58	A	0.58	A	0.58	A	0.58	A
San Pablo Avenue and 23rd Street	0.88	D	0.67	B	0.88	D	0.67	B

SOURCE: Dowling Associates

the San Pablo Avenue and Church Lane intersection (from LOS A to LOS B during the PM peak hour), and the San Pablo Avenue and 23rd Street intersection (from LOS D to LOS B during the AM peak hour). The LOS improvements at several of these intersections are due to the planned roadway and intersections improvements assumed in the West Contra Costa County Action Plan: Future Conditions Background Report.

Future With Project Conditions

Traffic from the proposed Palace Casino was added to future traffic volumes at the study intersections to represent the future with project conditions. Table 4.2.5 presents the future AM and PM peak hour LOS with and without the project.

TABLE 4.2.5: FUTURE (YEAR 2000) LEVEL OF SERVICE WITH AND WITHOUT THE PROPOSED PALACE CASINO

Intersection	Year 2000 Without Project				Year 2000 With Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS
I-80 EB on/off Ramp and San Pablo Dam Road	0.85	D	1.01	F	0.88	D	1.02	F
I-80 WB on/off Ramp and San Pablo Dam Road	0.82	D	0.81	D	0.87	D	0.91	E
San Pablo Avenue and McBryde Avenue	0.50	A	0.58	A	0.51	A	0.58	A
San Pablo Avenue and San Pablo Dam Road	0.46	A	0.67	B	0.56	A	0.90	D
San Pablo Avenue and Vale Road	0.50	A	0.57	A	0.50	A	0.57	A
San Pablo Avenue and Church Lane	0.52	A	0.61	B	0.52	A	0.61	B
San Pablo Avenue and 23rd Street	0.69	B	0.78	C	0.70	B	0.78	C

SOURCE: Dowling Associates

Levels of service for study intersections during the AM and PM peak hours would not change except for the I-80 westbound on/off ramps and San Pablo Dam Road intersection (from LOS D to LOS E during the PM peak hour) and the San Pablo Avenue and San Pablo Dam Road intersection (from LOS B to LOS D during the PM peak hour).

Impact 4.2.1: Operation of a gaming club would add vehicle trips to the road network in the surrounding area and increase the number of vehicles traveling through the San Pablo Avenue and San Pablo Dam Road intersection during PM peak hour. This would be a significant impact.

As shown in Table 4.2.5, the traffic associated with the proposed Palace Casino would degrade the LOS during the PM peak hour at the San Pablo Avenue and San Pablo Dam Road intersection. The v/c ratio would degrade from 0.67 (LOS B) to 0.90 (LOS D).

Mitigation Measure 4.2.1.

The project applicant shall fund the following improvements at the San Pablo Avenue and San Pablo Dam Road intersection:

- add one more left-turn lane for the westbound approach on San Pablo Dam Road; and
- restripe the eastbound approach (outbound from the project site) to provide one left-through shared lane and one right-through shared lane.

The implementation of this mitigation measure would result in an improvement to the level of service at the San Pablo Avenue/San Pablo Dam Road intersection. Table 4.2.6 presents the future condition plus the project with and without the implementation of the identified mitigation measures.

Significance After Mitigation: Less than significant.

Impact 4.2.2: Operation of a gaming club would add vehicle trips to the road network in the surrounding area and increase the number of vehicles traveling through the I-80 / San Pablo Dam Road interchange. This would be a significant impact.

As shown in Table 4.2.5, the traffic associated with the proposed Palace Casino would degrade the LOS during PM peak hour at the I-80 westbound on/off ramps and San Pablo Dam Road.

The proposed Palace Casino would also increase critical volume by about 1% within the existing unacceptable LOS at the I-80 eastbound on/off ramps and San Pablo Dam Road intersection (LOS F during the PM peak hour). This increase is less than 5% and is considered to be a less-than-significant impact.

Mitigation Measure 4.2.2.

Improvements have been identified for the I-80 interchange with San Pablo Dam Road. These improvements include:

- widen the overpass to six lanes; and
- convert Amador Street for right-in/right-out operation only.

TABLE 4.2.6: LEVEL OF SERVICE FOR FUTURE (YEAR 2000) CONDITIONS PLUS THE PROPOSED PALACE CASINO WITH AND WITHOUT IDENTIFIED MITIGATION MEASURES

Intersection	2000 Conditions Without Project (Unmitigated)				2000 Conditions With Project (Mitigated)			
	AM Peak		PM Peak		AM Peak		PM Peak	
	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS
I-80 EB on/off Ramp and San Pablo Dam Road	0.88	D	1.02	F	0.70	B	0.82	D
I-80 WB on/off Ramp and San Pablo Dam Road	0.87	D	0.91	E	0.68	B	0.78	C
San Pablo Avenue and San Pablo Dam Road	0.56	A	0.90	D	0.48	A	0.78	C

SOURCE: Dowling Associates

Table 4.2.6 presents the future condition plus the project with and without the implementation of the identified mitigation measures.

This is considered to be a feasible mitigation measure, but the overpass widening is a very costly project. Although Caltrans has conducted some preliminary studies for this improvement project, a project report has not been prepared. At this time, no specific plans exist for implementing this improvement. However, the City is using all means to have this improvement included on all state regional transportation improvement programs.

Given the uncertainty of the implementation of the improvements at the I-80/San Pablo Dam Road interchange, the proposed Palace Casino would contribute to the existing poor level of service and the future continued congestion.

Significance After Mitigation: Significant.

Impact 4.2.3: The demand for transit service would increase as a result of the operation of the proposed Palace Casino. This would be is less-than-significant impact.

Although the project applicant proposes to operate a shuttle bus to the nearest BART station and to San Francisco, some patrons and employees of the proposed Palace Casino would use the existing bus service operated by AC Transit. It is anticipated that the increased demand for transit service as a result of the proposed Palace Casino would be met by the existing bus service in the vicinity of the project site (Van Sickel, 1994).

AC Transit has indicated that the provision of a shuttle bus to the nearest BART station could reduce the overall demand for transit service from the proposed Palace Casino. Thus, AC Transit does not support the initiation of shuttle services since these shuttle services tend to: "(1) further balkanize an already bifurcated transportation system; (2) confuse public transit patrons; and (3) foster a negative attitude by excluding the general public" (Van Sickel, 1994).

Mitigation Measure 4.2.3.

Although not required, the project applicant shall enhance the existing bus stop on San Pablo Avenue to increase the patronage of the existing transit system.

Impact 4.2.4: Development of the proposed Palace Casino may not provide enough off-street parking to accommodate parking demand. This would be a significant impact.

The proposed project is to include a total 875 parking spaces (358 valet-parking spaces, 454 self-parking spaces and 63 service area spaces). The City of San Pablo does not have parking standards for a gaming club in the existing zoning ordinance. To determine how many spaces would be required, it was assumed that one parking space would be required for every five seats at a card table (see Table 4.2.7). This ratio is the same as the parking requirement for public assembly uses in San Pablo. Using this ratio, the number of required parking spaces for the proposed Palace Casino is 317 spaces.

For comparison purposes, the Town of Colma established a parking standard of one space per seat at each card table. Therefore, the assumed City requirement of 160 parking spaces to accommodate card table activity is only 20% of the parking standard applied by the Town of Colma. Table 4.2.8 presents parking requirements using City of San Pablo zoning ordinance

TABLE 4.2.7: CITY OF SAN PABLO PARKING REQUIREMENTS

Use Item	Description	Total for Parking Calculation	Parking Requirements of City of San Pablo	Total Parking Requirements
First Floor Card Room A	50 Tables, 8 Seats each (Total of 10,000 sq. ft.)	400 Seats	1 space per 5 seats	80 Spaces
First Floor Card Room B	50 Tables, 8 Seats each (Total of 10,000 sq. ft.)	400 Seats	1 space per 5 seats	80 Spaces
Main Kitchen, Storage, Utilities Shops	7,500 sq. ft. 100 sq. ft.	NA 1000 sq. ft.	1 space per 300 sq. ft. of net floor area	3.33 Spaces
Employees lockers and lounge	5,000 sq. ft.	NA	NA	0 Spaces
Security Surveillance	2,500 sq. ft. 500 sq. ft. Office	500 sq. ft.	1 space per 400 sq. ft. of net floor area (Note: Reqs. if this treated ie.office)	1.25 Spaces
Coffee Shop	90 Seats, 2,000 sq. ft. 1,800 sq. ft. public area	1800 sq. ft. NA	1 space per 50 sq. ft. of public area 1 space per 20 sq. ft. of take-out counter area	36 Spaces
Fine Dining	80 Seats, 2,000 sq. ft. 1,800 sq. ft. public area	1800 sq. ft. NA	1 space per 50 sq. ft. of public area 1 space per 20 sq. ft. of take-out counter area	36 Spaces
Kitchen and Service Bar/Lounge	2,000 sq. ft. 30 Seats, 1,500 sq. ft. 1,350 sq. ft. public area	NA 1350 sq. ft.	1 space per 50 sq. ft. of public area	27 Spaces
Cage Area	3,000 sq. ft. (considered office)	3,000 sq. ft.	1 space per 400 sq. ft. of net floor area	7.5 Spaces
Banquet Room	100 Seats, 2500 sq. ft.	100 Seats	Public assembly, 1 space per 5 seats	20 Spaces
Lobby, Circulation, Restrooms Office	3,000 sq. ft. total 400 sq. ft.	NA 400 sq. ft.	1 space per 400 sq. ft. of net floor area	1 Space
Second floor office area	10,000 sq. ft.	10,000 sq. ft.	1 space per 400 sq. ft. of net floor area	25 Spaces
Total Number of Zoning Ordinance Required Parking Spaces				317 Spaces

SOURCE: City of San Pablo

TABLE 4.2.8: PARKING REQUIREMENTS USING CITY OF SAN PABLO AND TOWN OF COLMA STANDARDS

Use Item	Description	Total for Parking Calculation	Parking Requirements /a/	Total Parking Requirements
First Floor Card Room A	50 Tables, 8 Seats each (Total of 10,000 sq. ft.)	400 Seats	1 space per seat	400 Spaces
First Floor Card Room B	50 Tables, 8 Seats each (Total of 10,000 sq. ft.)	400 Seats	1 space per seat	400 Spaces
Main Kitchen, Storage, Utilities Shops	7,500 sq. ft. 100 sq. ft.	NA 1000 sq. ft.	1 space per 300 sq. ft. of net floor area	3.33 Spaces
Employees lockers and lounge	5,000 sq. ft.	NA	NA	0 Spaces
Security Surveillance	2,500 sq. ft. 500 sq. ft. Office	500 sq. ft.	1 space per 400 sq. ft. of net floor area (Note: Reqts. if this treated ie.office)	1.25 Spaces
Coffee Shop	90 Seats, 2,000 sq. ft. 1,800 sq. ft. public area	1800 sq. ft. NA	1 space per 50 sq. ft. of public area 1 space per 20 sq. ft. of take-out counter area	36 Spaces
Fine Dining	80 Seats, 2,000 sq. ft. 1,800 sq. ft. public area	1800 sq. ft. NA	1 space per 50 sq. ft. of public area 1 space per 20 sq. ft. of take-out counter area	36 Spaces
Kitchen and Service	2,000 sq. ft.	NA		
Bar/Lounge	30 Seats, 1,500 sq. ft. 1,350 sq. ft. public area	1350 sq. ft.	1 space per 50 sq. ft. of public area	27 Spaces
Cage Area	3,000 sq. ft. (considered office)	3,000 sq. ft.	1 space per 400 sq. ft. of net floor area	7.5 Spaces
Banquet Room	100 Seats, 2500 sq. ft.	100 Seats	Public assembly, 1 space per 5 seats	20 Spaces
Lobby, Circulation, Restrooms Office	3,000 sq. ft. total 400 sq. ft.	NA 400 sq. ft.	1 space per 400 sq. ft. of net floor area	1 Space
Second floor office area	10,000 sq. ft.	10,000 sq. ft.	1 space per 400 sq. ft. of net floor area	25 Spaces
Total Number of Zoning Ordinance Required Parking Spaces				957 Spaces

/a/ Parking requirements of the City of San Pablo except for the cardroom parking requirement, which is based on Town of Colma parking standards.

SOURCE: City of San Pablo

standards for all uses except the cardroom. Using the ratio established by the Town of Colma, the number of required parking spaces for the proposed Palace Casino is 957 spaces.

Since no studies have been completed for determining the parking demand at a gaming club, it is reasonable to assume that the number of parking spaces needed to accommodate the parking demand associated with the proposed Palace Casino would be within the range of 317 to 957 spaces. Using the upper end of the range to analyze the worst-case demand for parking, the 875 parking spaces proposed by the project applicant would not be sufficient to accommodate the parking demand.

Mitigation Measure 4.2.4a.

The project applicant shall prepare and implement an employee trip reduction program, which is required by the City for businesses employing more than 200 persons.

Mitigation Measure 4.2.4b.

The project applicant shall fund a comprehensive parking study to determine the parking demand associated with the gaming club. This parking study shall be completed three months after the opening of the gaming club. If the parking demand for the parking study indicates that the proposed 875 parking spaces would not be sufficient to accommodate ultimate parking demand, the project applicant shall work with the City to identify feasible measures to accommodate the parking demand. These measures could include:

- increasing the number of tandem parking spaces at the project site;
- providing off-site parking for employees; or
- expanding the proposed shuttle service to BART.

Implementation of these mitigation measures would result in the parking demand being met by the parking supply.

Significance After Mitigation: Less than significant.

REFERENCE - Transportation, Circulation, and Parking

Carpenter, Mac, Carpenter and Associates, Town of Colma Planning Director, telephone conversation, 12 September 1994.

Van Sickel, Kay, Assistant General Manager, Service Development and Marketing, Alameda-Contra Costa Transit District, personal communication, 7 September 1994.

West Contra Costa Action Plan: Future Conditions Background Report, June 1992.

4.3. AIR QUALITY

SETTING

Regional Setting

Climate / Meteorology

The climate in the San Pablo area is Mediterranean in character, with mild, rainy winter weather from November through March, and warm, dry weather from May through September.

Persistent subsidence inversions (i.e., warmer air layer acting as a type of cap on the underlying cooler air layer) do occur in the San Pablo area, especially during fall and winter, and act to restrict vertical dispersion of pollutants released near ground level. The topographical features that contour the area include the Golden Gate, which provides an inlet for coastal winds that serve to channel surface air flow and disperse pollutants, and which also provides an inlet for coastal fog.

Predominant winds, as measured at a meteorological station in San Pablo, are typically out of the south and southwest. These wind directions account for approximately 52% of all winds on an annual basis (California Air Resources Board, 1984). Wind speeds are highest during summer and lowest in winter. The annual average wind speed recorded in San Pablo is 7.3 miles per hour. Calm conditions occur frequently during nighttime hours during all seasons and, during winter, into the late morning hours.

Air Quality Regulatory Context

On both the federal and state levels, a distinction is made for regulatory purposes between criteria air pollutants and toxic air pollutants. Criteria air pollutants are those that are commonly found in urban environments that were first regulated under the 1970 Amendments to the Federal Clean Air Act. Regulation of criteria air pollutants is achieved through federal and state ambient air quality (concentration) standards and emissions limits for individual sources. Air toxics are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer-causing) adverse human health effects (i.e., injury or illness), but for which ambient air quality standards have not been set.

Federal. As directed by the federal Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) established National Ambient Air Quality Standards (NAAQS) for the six

"criteria" air pollutants: ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), suspended particulate matter (PM₁₀), and lead (Pb). These standards represent the levels of air quality necessary, with an adequate margin of safety, to protect the public health and welfare (see Table 4.3.1).

The federal CAA required the states to classify Air Basins (or portions thereof) as either "attainment" or "nonattainment" with respect to the criteria air pollutants, based on whether or not the NAAQS have been achieved, and to prepare air quality plans containing emission reduction strategies for those areas designated as "nonattainment." The project area lies within the San Francisco Bay Area Air Basin (SFBAAB), which was designated as nonattainment for the NAAQS for O₃ and CO. The 1982 Bay Area Air Quality Plan (1982 Plan), was developed with the purpose of attaining the NAAQS for O₃ and CO by 1987 (Association of Bay Area Governments, 1982). By 1987, however, the SFBAAB was still nonattainment for O₃ and CO; a contingency plan element of the 1982 Plan has since been in effect. In 1994, the SFBAAB is nearing attainment for CO and O₃. A request for redesignation to attainment for O₃ was submitted to EPA in late 1993 and has not yet been approved for adoption.

State. The State of California has established its own ambient standards for the criteria pollutants. These standards are known as the State Ambient Air Quality Standards (SAAQS) and they are generally more stringent than their NAAQS counterparts (see Table 4.3.1). SAAQS have also been established for certain pollutants not covered by the NAAQS, such as hydrogen sulfide and vinyl chloride. In 1988, California passed the California Clean Air Act (CCAA) which, like its federal counterpart, called for designations of areas as attainment or nonattainment (but in reference to SAAQS rather than NAAQS). The SFBAAB has been designated as nonattainment for SAAQS for O₃, CO, and PM₁₀ (California Air Resources Board, 1992). The 1988 Act also requires nonattainment areas (for O₃ and CO) to develop air quality plans that contain strategies for achieving attainment. For this purpose, the *1991 Clean Air Plan* ('91 CAP) was developed for the SFBAAB (Bay Area Air Quality Management District, 1991a). PM₁₀ was not included in the same legislative scheme as the other criteria pollutants and no timetable has yet been established for PM₁₀ attainment.

Regulatory Agencies

EPA promulgates rules and standards under federal air quality legislation. Implementation and enforcement of these rules and standards are largely delegated to state and regional air quality

TABLE 4.3.1: STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS

Pollutant	Averaging Time	SAAQS/a/	NAAQS/b/
Ozone	1 hour	0.09 ppm/c/	0.12 ppm
Carbon Monoxide	1 hour	20 ppm	35 ppm
	8 hour	9.0 ppm	9 ppm
Nitrogen Dioxide	1 hour	0.25 ppm	NA
	Annual	NA	0.053 ppm
Sulfur Dioxide	1 hour	0.25 ppm	NA
	3 hour	NA	0.5 ppm
	24 hour	0.04 ppm	0.14 ppm
	Annual	NA	0.03 ppm
Respirable Particulate Matter	24 hour	50 ug/m3/c/	150 ug/m3
	Annual	30 ug/m3	50 ug/m3
Sulfates	24 hour	25 ug/m3	NA
Lead	30 day	1.5 ug/m3	NA
	Calendar Quarter	NA	1.5 ug/m3
Hydrogen Sulfide	1 hour	0.03 ppm	NA
Vinyl Chloride	24 hour	0.010 ppm	NA

/a/ SAAQS (i.e. California standards) for ozone, carbon monoxide, sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, respirable particulate matter are values that are not to be exceeded. All other California standards shown are values not to be equaled or exceeded.

/b/ NAAQS (i.e. national standards), other than ozone and those based on annual averages, are not to be exceeded more than once a year. The ozone standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one.

/c/ ppm = parts per million by volume; ug/m3 = micrograms per cubic meter.

NA: Not Applicable.

SOURCE: California Air Resources Board, *California Air Quality Data Summary*, 1993.

agencies. In California, the ARB is the state agency that is responsible for implementation of certain EPA regulations and standards and has primary responsibility for regulating mobile sources (among other tasks) and for overseeing the local and regional air quality agencies. On a regional level, the Bay Area Air Quality Management District (BAAQMD) is the agency responsible for air quality regulation within the SFBAAB. The BAAQMD regulates air quality through its permit authority over most types of stationary emissions sources and through its planning and review activities. The BAAQMD uses its permit authority to implement federal and state requirements related to both criteria air pollutants.

With respect to criteria air pollutants, BAAQMD Rules and Regulations require that all (non-exempt) new or modified sources of air pollutants to apply for an authority to construct and permit to operate prior to commencement of operation. Best Available Control Technology (BACT) and emissions offsets are required for all new or modified sources that would emit more than certain amounts of pollutants.

Existing Air Quality

The BAAQMD's regional air quality monitoring network provides information on ambient concentrations of criteria air pollutants. Table 4.3.2 is a five-year summary of highest annual criteria air pollutant concentrations, collected at the BAAQMD's air quality monitoring station on 13th Street in Richmond, which is about 1.5 miles from the project site. In Table 4.3.2, air pollutant concentrations are compared with applicable SAAQS, which are more stringent than the corresponding NAAQS.

Ozone (O₃). O₃ is not emitted directly into the atmosphere but rather is produced through a photochemical reaction involving precursor emissions, hydrocarbons (HC) and nitrogen oxides (NO_x). Motor vehicles and petroleum processes are the major sources of HC and NO_x in Contra Costa County. As shown in Table 4.3.2, O₃ concentrations in Richmond have exceeded the state standard on three days in the past five years. The less stringent corresponding NAAQS (0.12 ppm) has not been exceeded in the past five years. While O₃ concentrations are expected to decline given existing emissions controls strategies and given the additional measures that will be implemented under the '91 CAP, the SAAQS for O₃ is still not expected to be achieved at all times in places in the SFBAAB by the turn of the century.

TABLE 4.3.2: RICHMOND AIR POLLUTANT SUMMARY, 1989-1993

Pollutant	Std./c/	Monitoring Data by Year /a/				
		1989	1990	1991	1992	1993
<u>Ozone (O₃):</u>						
Highest 1-hr. average, ppm/b/ Days /d/	0.09	<u>0.10</u> 1	0.06 0	0.05 0	0.08 0	<u>0.12</u> 2
<u>Carbon Monoxide (CO):</u>						
Highest 1-hr. average, ppm Number of excesses	20	9 0	7 0	7 0	5 0	NP/f/ NP
Highest 8-hr. average, ppm Number of excesses	9.0	4.1 0	4.0 0	4.5 0	4.1 0	3.4 0
<u>Particulate Matter (PM₁₀):</u>						
Highest 24-hr. average, ug/m ³ /b/ Days/Samples/e/	50	<u>115</u> 5/48	<u>109</u> 5/61	<u>97</u> 9/59	<u>55</u> 3/61	NP 3/60
Annual Geometric Mean, ug/m ³	30	26.5	23.0	24.4	23.4	22.5

/a/ All data are from the monitoring station on 13th Street in Richmond.

/b/ ppm = parts per million; ug/m³ = micrograms per cubic meter.

/c/ State standard, not to be exceeded.

/d/ Days refers to the number of days during which excesses of the state standard were recorded in a given year.

/e/ Particulate is usually measured every sixth day (rather than continuously like the other pollutants). "Days/samples" indicates the number of excesses of the state standard that occurred in a given year and the total number of samples that were taken that year.

/f/ NP = Data not yet published.

NOTE: Underlined values are in excess of applicable standard.

Data for NO₂, SO₂, and lead are not presented because the standards have been met for the past five years at Richmond and because the SFBAAB is designated as attainment for these pollutants.

SOURCE: California Air Resources Board, Air Quality Data Summaries, 1989-1992, BAAQMD, 1994.

Carbon Monoxide (CO). CO is an odorless, invisible gas usually formed as the result of incomplete combustion of organic substances. Most of the CO emitted in Contra Costa County comes from motor vehicles. Ambient CO concentrations normally correspond closely to the spatial and temporal distributions of vehicular traffic. CO concentrations also are influenced by wind speed and atmospheric mixing. Under inversion conditions, CO concentrations may be distributed more uniformly over an area out to some distance from vehicular sources. Table 4.3.2 shows that excesses of the SAAQS for CO have not occurred in the site vicinity for the past five years.

Respirable Particulate Matter (PM₁₀). Respirable particulates (PM₁₀) are less than ten microns in diameter. Sources of PM₁₀ include stationary point sources, such as fuel combustion and industrial processes, fugitive sources, such as roadway dust from paved and unpaved roads, wind erosion from open land, and transportation sources, such as automobiles (California Air Resources Board, 1989). The state 24-hour standard for PM₁₀ has been consistently violated for the past five years and PM₁₀ concentrations are expected to remain relatively constant through the rest of the 1990's.

Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Land uses such as schools, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality because the young, the old, and the infirm are more susceptible to respiratory infections and other air-quality-related health problems than the general public. Residential areas are also considered to be sensitive to air pollution because residents (including the children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present.

The nearest sensitive receptor to the proposed project location is Brookside Hospital adjacent and northwest of the project site, residences to the southwest, northeast and southeast, and convalescent hospitals to the northeast and southeast.

SIGNIFICANCE CRITERIA

According to Appendix G of the CEQA Guidelines, a project would be considered to have a significant adverse impact on the environment if it would "violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose

sensitive receptors to substantial pollutant concentrations." A project would also have a significant impact to air quality if it would conflict with any established plans, policies, or regulations regarding air quality.

The BAAQMD's Guidelines for assessing Impacts of Projects and Plans (1991b) outlines several additional "significance tests" to use in the determination of the potential effect of project related criteria air pollutant emissions on regional air quality. The BAAQMD considers a project to have significant air quality impacts if it will result in:

- A net increase in emissions of one percent over existing countywide emissions.
- A net increase of 550 pounds per day of CO emissions, if the emission is found to contribute to a violation of the SAAQS for CO.
- A net increase of 150 pounds per day of hydrocarbons, nitrogen oxides (NOx), sulfur oxides (SOx), or PM₁₀ emissions, respectively.

Hydrocarbon and NOx emissions are evaluated because they are precursors to ozone formation. SOx emissions are evaluated because other oxides of nitrogen can react to contribute to SO₂ concentrations.

IMPACTS AND MITIGATION MEASURES

Impact 4.3.1: Earth moving and construction activities would result in localized and temporary increases in ambient concentrations of respirable particulate matter (PM₁₀). The primary pollutant associated with construction activities resulting from implementation of the proposed project would be fugitive dust. Other than fugitive dust, construction-generated emissions would not be expected to have a significant effect on air quality. Fugitive dust emissions would be a significant impact.

Earth moving and construction activities would result in localized and temporary increases in ambient concentrations of ten micron particulate matter (PM₁₀). Specific types of activities include grading and the operation of construction vehicles over unpaved surfaces.

Construction activities would result in emissions of criteria air pollutants through combustion of fuel to run mobile construction equipment, through evaporation of volatile organic compounds used as architectural coatings, and through generation of construction worker motor vehicle trips. Emissions from fuel combustion would depend on the type of equipment, duration of use, operation schedules, and the number of construction workers. The primary pollutant associated

with construction activities resulting from implementation of the proposed project would be fugitive dust. Other than fugitive dust, construction-generated emissions would not be expected to have a significant effect on air quality.

The BAAQMD estimates that construction activities result in the emission of 1.2 tons of total particulates per acre per month of construction activity (BAAQMD, 1991b). The ARB estimates that approximately 64 percent of total particulates are in the form of PM₁₀ (ARB, 1993). Consequently, PM₁₀ emissions from construction activities would be 0.77 tons per acre per month of construction activity.

The portion of the project site that would be subject to earth moving activities (i.e., grading) is approximately six acres. Using BAAQMD emission estimates and assuming 22 construction work days per month, construction activities would result in the emission of 420 pounds per day of PM₁₀. This PM₁₀ emission is greater than the BAAQMD significance threshold of 150 pounds per day.

Dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the prevailing weather. Construction dust emissions would primarily result from equipment movement and material handling during construction activities. On days when construction would involve extensive site preparation activities, earth moving activities, or truck travel over unpaved areas or during periods when these activities would occur when wind speeds are relatively high, construction dust would be substantial and could exacerbate the existing violations of the state standard for PM₁₀. While construction activities would generate very localized and temporary impacts, this effect would be significant, particularly given that sensitive receptors are located on adjacent properties. Mitigation measures discussed below would reduce this impact during construction.

Mitigation Measure 4.3.1.

To reduce the significant effect of construction-related dust, the City shall require contractors to implement a dust abatement program. Elements of this program shall include the following:

- Sprinkle all unpaved construction areas with water at least twice per day to reduce dust emissions. Additional watering should be carried out on hot or windy days. Watering could reduce particulate emissions by up to 50 percent.

- Designate a person or persons to oversee the implementation of a comprehensive dust-control program and to increase watering, to minimize visible dust emissions.

BAAQMD estimates that implementation of mitigation measures would reduce fugitive dust construction impacts by 50 percent or more. Such a reduction would result in an average daily PM₁₀ emissions of approximately 210 pounds per day or less during the construction periods. The emissions would be in excess of the BAAQMD significance threshold of 150 pounds per day for PM₁₀ emissions and would be a temporary, significant impact.

Significance after Mitigation: Significant.

Impact 4.3.2: Development of the proposed Palace Casino would result in the long-term increase in criteria air pollutant emissions resulting from vehicular traffic to and from the gaming club. However, the quantity of these emissions would not be significant using BAAQMD significance criteria.

Mobile emission from the proposed project were calculated based on a trip generation of 2,524 trips per day, as projected in the traffic analysis, an average trip length of 15 miles per trip as recommended by the BAAQMD for a similar land use (race track), and the latest mobile source emission factors recommended by the BAAQMD (EMFAC7F). This approach, which does not account for the existing trips generated by the bowling alley, is considered to be conservative. The actual increase in the quantity of emissions would be slightly less than what is described in this EIR.

Table 4.3.3 summarizes project-generated mobile emissions of criteria pollutants for each site and compares them with projected countywide emissions for 1996, as well as to significance threshold emission levels as recommended by the BAAQMD. As indicated in Table 4.3.3, project related mobile emissions associated with the proposed project would not result in emissions greater than one percent of countywide emissions or in daily emission rates in excess of BAAQMD significance threshold emission levels. Consequently, the impact of mobile emissions on air quality is not considered significant and mitigation measures are not required.

Mitigation Measure 4.3.2.

None required.

TABLE 4.3.3: MOTOR VEHICLE EMISSIONS ASSOCIATED WITH BUILDOUT OF THE PROPOSED PALACE CASINO

Pollutant	Emissions (pounds per day)			As a % County/d/
	Peak Daily/a/	Contra Costa County/b/	Significance Level /c/	
Carbon monoxide	1,559	644,000	550 /e/	0.24
Hydrocarbons	140	86,000	150	0.16
Nitrogen oxides	83	115,000	150	0.07
Sulfur oxides	7	18,000	150	0.04
10-micron particulates	108	81,000	150	0.13

/a/ Peak daily emissions are based on a trip generation of 2,524 daily vehicle trips, an average trip length of 15 miles, an average vehicle speed of 35 mph, and EMFAC7F emission factors for year 1996.

/b/ Contra Costa County emissions represent annual average (daily) on road vehicle emissions and correspond to Year 1996. The source for Contra Costa County emissions is California Air Resources Board, *Emissions Inventory 1990, 1993*. Emissions were adjusted using projected trends published by BAAQMD, *Base Year 1990 Emissions Inventory Summary Report*, 1993.

/c/ Significant emission rate identified by the BAAQMD in their *Guidelines for assessing the impacts of Projects and Plans*, 1991b.

/d/ Shows projected peak daily mobile emissions as a percentage of Contra Costa County annual average daily mobile emissions.

/e/ Only constitutes a significant impact if the emission results in a violation of the ambient CO standard (see Impact 4.3-3).

SOURCE: Environmental Science Associates, 1994

Impact 4.3-3: Development of the proposed Palace Casino would result in operational phase trip generation that would increase the ambient concentration of CO in the project area. This would be a significant impact.

In the project area, maximum background CO concentrations are expected to be 5.0 ppm (one-hour average) and 4.2 ppm (eight-hour average) in 1994 based on BAAQMD isopleth maps and adjustment factors (Bay Area Air Quality Management District, 1991b). These concentrations correspond to wintertime conditions when CO concentrations are at their worst during the year.

CALINE4 dispersion modeling was used to evaluate worst-case CO concentrations at the intersection most affected by project traffic. In reviewing projected traffic volumes and decreases in levels of service, the intersection chosen as most affected was the intersection of San Pablo Avenue and San Pablo Dam Road. This intersection would accommodate all vehicles accessing I-80 to and from the project site. Results of the modeling effort are presented in Table 4.3.4.

TABLE 4.3.4: PROJECTED WORST-CASE CARBON MONOXIDE CONCENTRATIONS AT SAN PABLO AVENUE AND SAN PABLO DAM ROAD

<u>Scenario</u>	<u>CO Concentrations (ppm)/a,b/</u>	
	<u>One Hour</u>	<u>Eight Hour</u>
Existing (1994) - Without Project	14.4	10.8
1996 - With Project	14.6	11.6
Future Base (2000) - Without Project	8.8	6.7
Future (2000) with project	8.9	6.8

/a/ Modeled using CALINE4 using worst-case meteorological assumptions and peak-hour traffic estimates in the Traffic and Circulation Section.

/b/ One-hour and eight-hour background concentrations were estimated as 5.0 ppm and 4.2 ppm for existing (1994) conditions. One-hour and eight-hour background concentrations for 2000 are projected to be 4.2 and 3.5. Eight-hour concentrations were obtained from the one-hour concentration by applying a persistence factor of 0.7.

NOTE: The state one-hour CO standard is 20 ppm; state and federal eight-hour CO standards are 9 ppm, not to be exceeded.

SOURCE: Environmental Science Associates.

Modeling was performed for the years 1994, 1996 with the project and 2000 with and without the project. CO concentrations calculated by CALINE4 indicate that violations of the state eight-hour CO standard could exist under existing conditions and that the project could result in an increase of up to 0.8 ppm over the existing scenario, thus contributing to a potential existing exceedance of the state air quality standard, which constitutes a significant impact.

By the year 2000 ambient CO concentrations are predicted to be 8.8 and 6.7 ppm for the one- and eight-hour averages, respectively, due largely to the reformulation of fuels. These concentrations are below the SAAQS standards for ambient CO. Project traffic is projected to increase these concentrations by 0.1 ppm, which would still be less than the SAAQS for CO. Therefore, traffic related to the gaming club would contribute to current background CO violations and constitute a temporary significant impact, which would last approximately three to four years.

Mitigation Measure 4.3.3.

Roadway improvements recommended as part of Mitigation Measure 4.2.1 would improve traffic flow through the San Pablo Avenue/San Pablo Road intersection and lessen the temporary impact to local CO concentrations. These improvement measures would serve to shorten the duration of the temporary impact but would not fully mitigate the impact in the short-term. Consequently, this impact is considered temporary and unavoidable.

Significance After Mitigation: Significant.

REFERENCES - Air Quality

Association of Bay Area Governments, Bay Area Air Quality Management District, Metropolitan Transportation Commission, *San Francisco Bay Area Air Quality Plan*, 1982.

Bay Area Air Quality Management District, *1991 Clean Air Plan*, October 1991a.

Bay Area Air Quality Management District, *Guidelines for Assessing the Impacts of Projects and Plans*, last revised in September 1991b.

Bay Area Air Quality Management District, Base Year 1990 Emission Inventory Summary Report, 1993.

California Air Resources Board, *Area Designations for State and National Ambient Air Quality Standards*, 1993.

California Air Resources Board. June 1984. *California Surface Wind Climatology*.

California Air Resources Board, 1989-1992, *Annual Data Summary of Air Quality Data*.

4.0 Environmental Setting, Impacts and Mitigations

4.3 Air Quality

California Air Resources Board, *Emission Inventory*, September 1993.

Governor's Office of Planning and Research, *California Environmental Quality Act: Statutes and Guidelines*, June 1992.

4.4. NOISE

SETTING

Regional Setting

Introduction to Noise Principles and Descriptors

Environmental noise usually is measured in A-weighted decibels (dBA).¹ Some representative noise sources and their corresponding noise levels (in dBA) are shown in Figure 4.4.1.

Environmental noise typically fluctuates over time, and different types of noise descriptors are used to account for this variability. Typical noise descriptors include the energy-equivalent noise level (Leq) and the day-night average noise level (Ldn).² The Ldn is commonly used in establishing noise exposure guidelines for specific land uses. In areas where noise is dominated by traffic, the Leq during the peak-hour is generally equivalent to the Ldn at that location.

Another land use oriented noise descriptor is the Community Noise Equivalent Level (CNEL). The CNEL is similar to the Ldn, since it applies a 10 dBA penalty for night time noise between 10:00 p.m. and 7:00 a.m., but the CNEL also has a 5 dBA penalty for evening noise between 7:00 p.m. and 10:00 p.m..

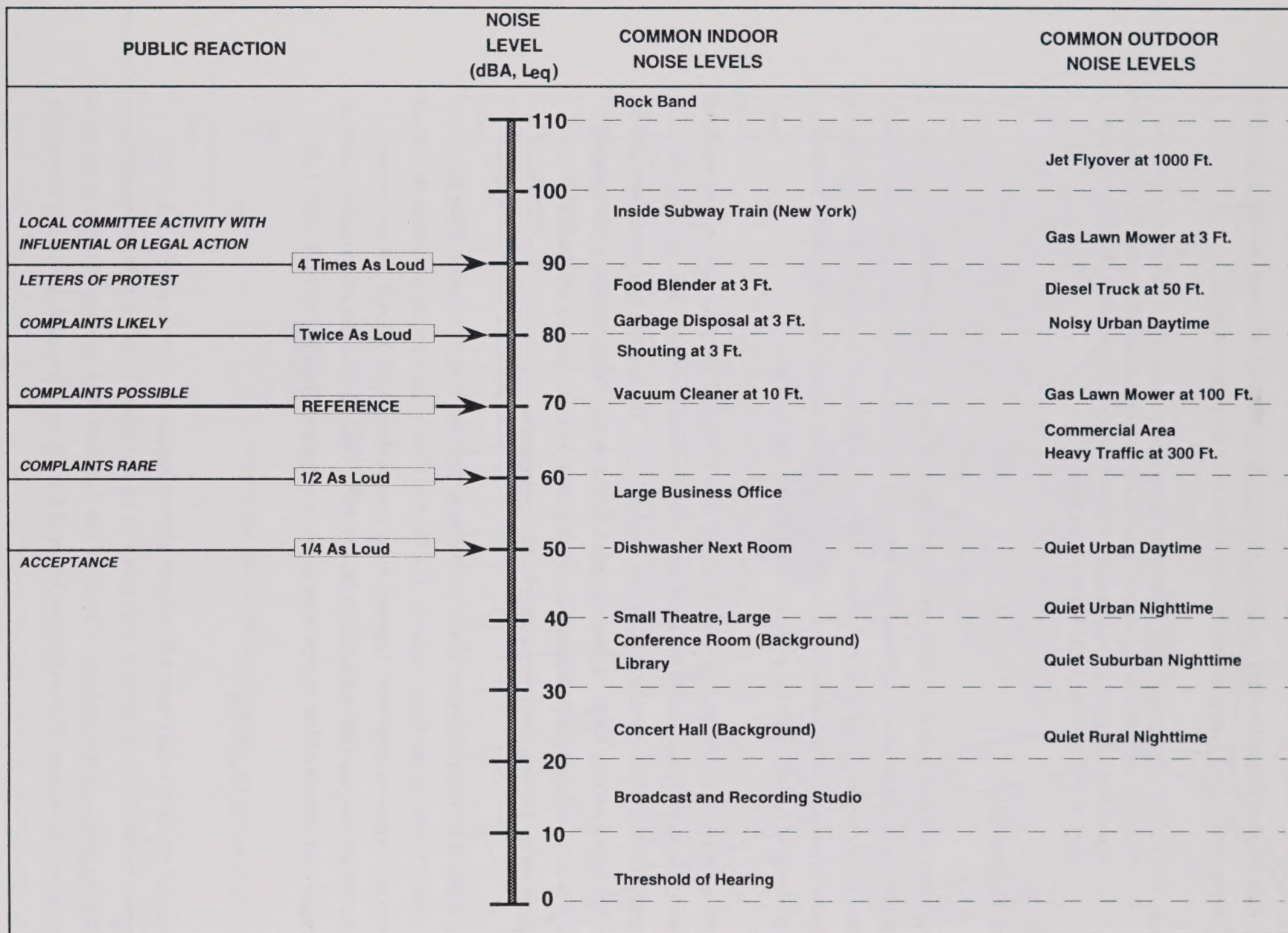
Generally, a three-dBA increase in ambient noise levels represents the threshold at which most people can detect a change in the noise environment; an increase of 10 dBA is perceived as a doubling of loudness.

Noise Regulations, Plans, and Policies

The City of San Pablo General Plan contains a Noise Element that establishes noise exposure standards for land use compatibility. For commercial facilities, the normally acceptable noise level is in the range of 65 to 75 dBA, Ldn. For residences, hospitals, and nursing homes, the normally acceptable noise level is in the range of 60 to 65 dBA, Ldn.

¹ A decibel (dB) is a logarithmic unit of sound energy intensity. Sound waves, traveling outward from a source, exert a sound pressure level (commonly called "sound level") measured in dB. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response of the typical human ear at commonly encountered noise levels.

² Leq, the energy equivalent noise level (or "average" noise level), is the equivalent steady-state continuous noise level which, in a stated period of time, contains the same acoustic energy as the time-varying sound level actually measured during the same period. Ldn, the day-night average noise level, is a weighted 24-hour average noise level. With the Ldn descriptor, noise levels between 10:00 p.m. and 7:00 a.m. are adjusted upward by ten dBA to take into account the greater annoyance of nighttime noise as compared to daytime noise.



SOURCE: Caltrans Transportation Laboratory Noise Manual, 1982; and
Modification by Environmental Science Associates, Inc.

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Figure 4.4.1
Effects of Noise on People

The General Plan Noise Element contains specific policies that relate to community noise. The following policy could apply to construction noise from the proposed project:

Policy 8: The City shall prohibit the creation of unnecessary noise that is annoying to human beings of normal hearing including noises from: (a) automobile repair; (b) construction equipment; (c) musical instruments; (d) audio amplifiers; (e) animals; (f) stationary engines and machines; (g) idling motor vehicles.

Sensitive Receptors

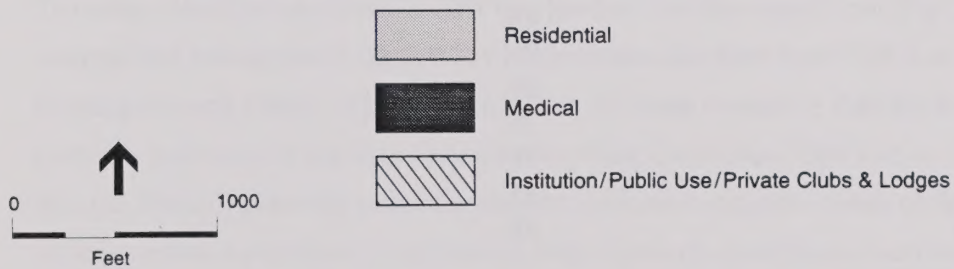
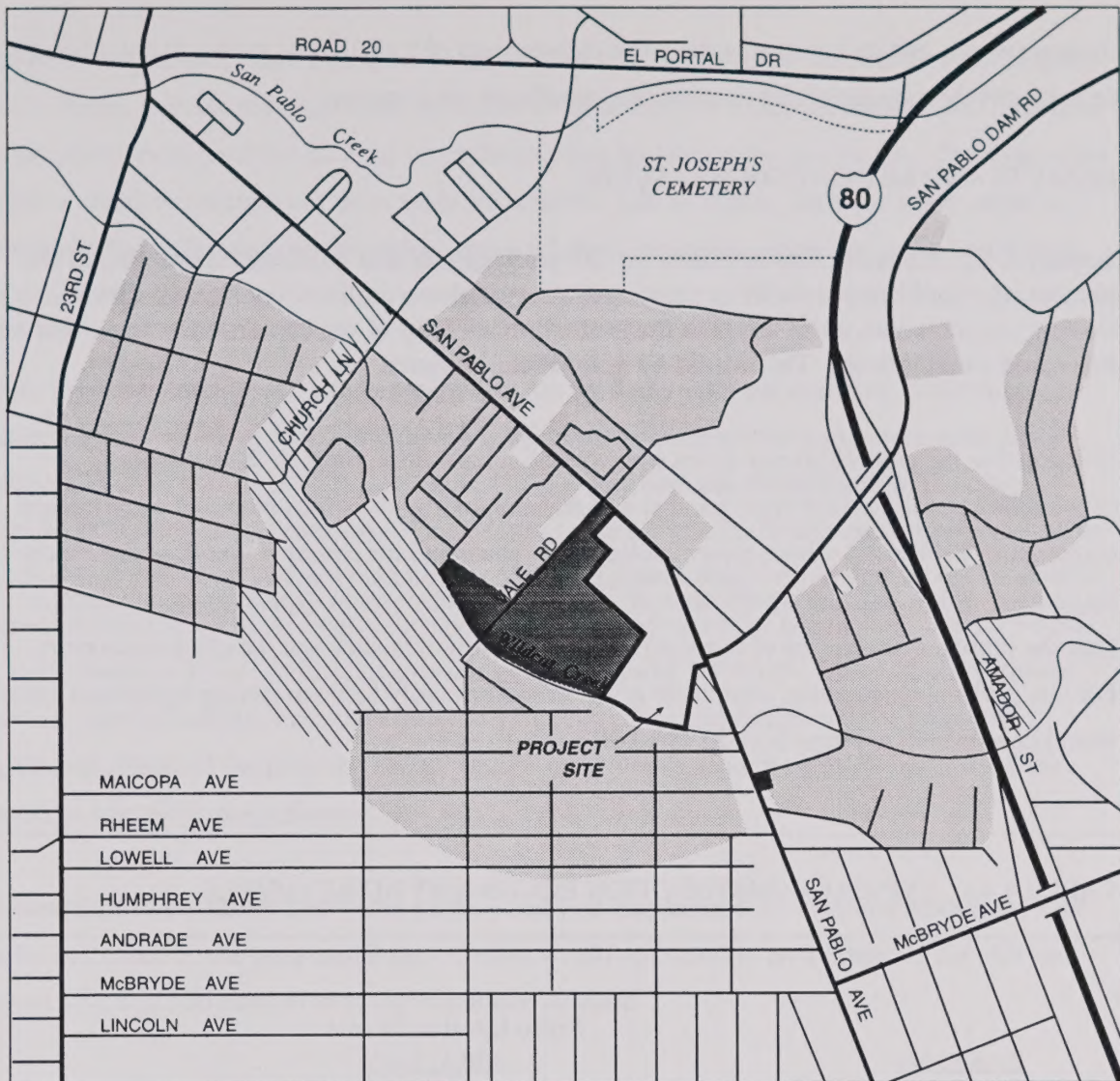
Some land uses are considered more sensitive to ambient noise levels than others, due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved. Residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, and Parks and other outdoor recreation areas generally are more sensitive to noise than are commercial and industrial land uses.

Noise sensitive land uses near the project site include Brookside Hospital adjacent and northwest of the project site, residences to the southwest, northeast and southeast, and convalescent hospitals to the northeast and southeast (see Figure 4.4.2). The hospital is located about 200 feet from proposed parking areas. A convalescent hospital on San Pablo Avenue is located about 100 feet north of proposed parking areas. Residences on Tulare Avenue are located approximately 100 feet from the existing building on the site.

The ambient noise environment in and around the project site is noisy because of the proximity of vehicle traffic on San Pablo Avenue. The General Plan Noise element designates the project site as an "excessive noise area" (ambient noise greater than 65 dBA, Ldn). Noise contours projected for the year 1995 published in the San Pablo General Plan show that nearby sensitive receptors are located within an area of an expected noise level range of 65 to 75 dBA, Ldn.

SIGNIFICANCE CRITERIA

A project would normally have a significant adverse impact on the environment if it would increase substantially the ambient noise levels of adjoining areas (Office of Planning and Research, 1992). A change in noise levels of less than three dBA is not discernible to the general population, an increase in average noise levels of from three to five dBA are clearly discernible



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SOURCE: Environmental Science Associates

Figure 4.4.2
Location of Noise Sensitive Land Uses

to most people, and an increase in the noise environment of five dBA or greater is considered to be subjectively substantial and to constitute significant noise impact.

IMPACTS AND MITIGATION MEASURES

Impact 4.4.1: Construction activities for the parking lots and building remodeling at the project site would temporarily generate noise levels above ambient background levels. During construction, noise levels in the immediate vicinity of the construction site could be increased substantially. This would be a significant impact.

Construction noise levels at any given site would fluctuate depending on the particular construction phase, and the type, number and duration of use of various pieces of construction equipment. Table 4.4.1 shows typical noise levels generated for common pieces of construction equipment. Moreover, the significance of construction noise would depend upon the distance (and the presence or absence of barriers) between construction sites and the closest receptors. For this project, construction equipment noise would primarily be from paving equipment, which would be expected to range from 85 to 90 dBA.

TABLE 4.4.1: TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVELS

<u>Equipment</u>	Noise Level at 50 feet <u>(dBA, Leq)</u>
backhoes	85
dozers	80
scrapers	88
truck	91
paver	89
pumps	76
generators	78
compressors	81
jack hammers	88

SOURCE: Bolt, Beranek, and Newman, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, 1971.

The sensitive receptor nearest proposed construction activity would be the convalescent hospital on San Pablo Avenue and residences on Tulare Avenue, both of which are located 100 feet from the proposed location of the parking lot or the existing building to be remodeled. Daytime noise levels at sensitive receptors in these areas are 65 dBA, Ldn or higher. In areas where noise is dominated by traffic, such as the project site, the Ldn is generally equivalent to the Leq during the peak traffic hour.

Noise from construction activity generally reduces by 6 to 9 dBA per doubling of distance. Assuming a reduction of 6 dBA per doubling of distance, construction equipment noise in the range of 85 to 90 dBA at 50 feet (see Table 4.4.1) would generate noise levels in the range of 79 to 84 dBA, Leq at the fence line of the nearest residences and convalescent hospital (based on a distance of 100 feet), which would be substantially (greater than 5 dBA) above current ambient noise levels (65 to 75 dBA, Leq). The construction noise impacts at Brookside Hospital would be in the range of 75 to 78 dBA, Leq (based on a distance of 200 feet). This is slightly greater than the current ambient noise levels (65 to 75 dBA). These impacts would be temporary, significant effects of the project. The mitigation measures discussed below would reduce this impact to a level of insignificance.

As described in the Initial Study (see pages 8 and 9 of Appendix 8.1), the noise associated with traffic generated by the proposed Palace Casino would not result in an increase in the ambient noise levels that currently exist along San Pablo Avenue.

Mitigation Measure 4.4.1.

To reduce construction noise impacts to a level of less than significant, the City shall require construction contractors to limit noisy construction activities from 7:00 a.m. to 6:00 p.m., Monday through Friday. These hours, which are more restrictive than the hours for construction activities permitted in the City of San Pablo Noise Ordinance (7:00 a.m. to 10:00 p.m., Monday through Friday), generally coincide with the least noise-sensitive times of the day. If operation of construction equipment is confined to hours when the most human activity occurs (i.e., not during traditional sleeping or "quiet" time) and in an area identified in the General Plan as within an "excessive noise area", paving and other construction activities are not expected to significantly affect the noise environment.

Significance after Mitigation: Less than significant.

REFERENCES - Noise

Bolt, Beranek, and Newman, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, 1971.

City of San Pablo, *General Plan*, adopted October 1980.

Office of Planning and Research, *The California Environmental Quality Act, Statutes and Guidelines, Appendix G*, 1992.

4.5 BIOLOGICAL RESOURCES

SETTING

A botanical survey was conducted to determine the presence of biological resources at the project site. The proposed site of the Palace Casino was found to be an existing building with a completely paved parking lot inside of the anchor fence that follows the bank of Wildcat Creek and separates the site and its parking lot from the creek. In the parking lot are several planting boxes containing introduced, cultivated plants.

The section of Wildcat Creek located southwest of the existing building supports a heavy growth of arroyo willow (*Salix lasiolepis*), alder (*Alnus rubra*), Fremont cottonwood (*Populus fremontii*), and Monterey pine (*Pinus radiata*) with an understory of blackberry (*Rubus sp.*) and poison hemlock (*Conium maculatum*). Near the intersection of Wildcat Creek with Vale Road, in addition to the plants mentioned above, were small black walnut trees (*Juglans sp.*) and elderberry bushes (*Sambucus mexicanus*), mid-height eucalyptus trees (*Eucalyptus sp.*) and very tall Monterey pines that created a canopy over Wildcat Creek and the parking lot of Brookside Hospital. The willow, alder and elderberry are native to the area but the blackberry, eucalyptus and pine are cultivated plants that have naturalized to the riparian zone of Wildcat Creek. Poison hemlock is a weedy species.

The California Natural Diversity Data Base files were searched and plant species of concern identified for the USGS 7.5 minutes Richmond quadrangle were the following: Santa Cruz tarplant (*Holocarpha macrodenia*), a federal candidate (FC1) for list; the Alameda manzanita (*Arctostaphylos pallida*), a state endangered (SE) and federal candidate (FC1); Marina western flax (*Hesperolinon congestum*), state and federally listed as threatened (FT, ST); San Francisco owl's clover (*Triphysaria floribunda*), a federal candidate (FC2); Monterey spineflower (*Chorizanthe pungens* var. *pungens*), federally listed as threatened (FT); beach layia (*Layia carnosa*), federal and state listed as threatened (FT and ST); and Point Reyes bird's-beak (*Cardylanthus maritimus* ssp. *palustris*), a federal candidate (FC2) for listing.

No special status plant species were observed at the project site or in the Wildcat Creek riparian zone adjacent to the project site. In addition, no area of native, undisturbed vegetation judged capable of being habitat for any of the above named plant species was observed. These special status plant species require open grassland on clay or serpentine soils, marine sandstones and shales of the Oakland Hills and Sobrante Ridge, coastal sand dunes or coastal salt marsh.

In addition, no special status animal species are known to exist at the project site. Wildlife that occurs at the project site are typical species that have adapted to urban conditions.

SIGNIFICANCE CRITERIA

The California Environmental Quality Act (CEQA) Guidelines Section 15065(a) specifies that a lead agency shall find that a project may have a significant effect on the environment when the project has the potential to "...substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or a rare or endangered species..." The Guidelines (Appendix G) provide examples of impacts that normally are considered significant, including those that would:

- "substantially affect a rare or endangered species of animal or plant or the habitat of the species";
- "interfere substantially with the movement of any resident or migratory fish or wildlife species"; or
- "substantially diminish habitat for fish, wildlife or plants".

The Guidelines (Section 15380) further define "rare or endangered species" as those species officially listed as threatened, endangered, or rare under Federal or California law. In addition, the Guidelines provide that plant or animal species may be treated as "rare or endangered" even if not on one of the official lists if:

- its survival and reproduction in the wild are in immediate jeopardy,
- if the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens, or
- if it is likely to become endangered in the near future and maybe categorized as "threatened" under federal law.

However, recent case law (*Sierra Club vs. City of Gilroy*, 1990 222 Cal. App. 3d.30, 47) may be interpreted as providing discretion to the lead agency as to whether a species is to be considered "rare or endangered" despite meeting one or more of these criteria.

Given these standards, a project would be considered to have a significant adverse impact on biological resources if it would result in substantial disruption to, or destruction of, any special

status species, their habitat, or breeding grounds. Special status species include those plants and animals that are State and/or federally listed as endangered or threatened; or are category 1 or 2 candidates for federal listing; or are considered Species of Special Concern as designated by the California Department of Fish and Game; or are on lists 1A, 1B, or 2 published by the California Native Plant Society.

A project would also be considered to have a significant impact if it would result in a substantial loss of important plant or animal species; would cause a change in species composition, abundance or diversity beyond that of normal variability; or would indirectly result in the measurable degradation of sensitive habitats (e.g., wetlands, riparian corridors, vernal pools, oak woodlands) such as the introduction of erosion or runoff materials.

IMPACTS AND MITIGATION MEASURES

Impact 4.5.1: The project would not result in the loss of any natural vegetation. This would be a less-than-significant impact.

The proposed Palace Casino would remodel the existing Lucky Lanes bowling alley and repave an area that is currently used as a surface parking lot for private vehicles and mobile homes. No development would occur within the riparian zone of Wildcat Creek.

Natural communities are recurring combinations of plant species that reflect parallel responses to similar combinations of environmental conditions, as defined by the California Native Plant Society (CNPS 1988). Plant communities play an important role in the ecosystem as they provide water, food, shelter, and foraging grounds for a variety of wildlife species as well as improving water quality and preventing soil erosion. No such communities are within the site of the proposed Palace Casino. In addition, no special status species exist at the project site or in the riparian zone of Wildcat Creek adjacent to the project site.

Mitigation Measure 4.5.1.

None required.

Impact 4.5.2: Stormwater runoff from the paved parking lots at the proposed Palace Casino could introduce pollutants into the riparian zone associated with Wildcat Creek. This is would be a significant impact.

Expansion and use of the surface parking area would increase the number and amount of pollutants generated at the project site. These pollutants could enter into the riparian zone associated with Wildcat Creek and adversely affect the existing vegetation.

Mitigation Measure 4.5.2.

The project applicant shall obtain a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board. The permit shall require the project applicant to use best management practices outlined in the City's stormwater plan to mitigate the water quality impacts associated with stormwater runoff from the parking lot. These practices could include installation of sediment and grease traps in the stormwater drainage system at the project site to trap pollutants prior to the release of water into Wildcat Creek.

Significance After Mitigation: Less than significant.

REFERENCES - Biological Resources

California Department of Fish and Game, *Natural Diversity Data Base*, Richmond 7.5 minute quadrangle, 1993.

4.6 PUBLIC SERVICES

SETTING

Police Protection Services

The City of San Pablo Police Department is located within the City Hall complex at the corner of Church Lane and San Pablo Avenue. The Police Department, which is authorized to have 41 sworn officers, currently has 38 sworn officers (Righter, 1994). Equipment used by the Police Department includes 13 patrol cars and 10 other special duty vehicles (Righter, 1994). The average response time to a call for service is less than five minutes.

The City is divided into three beats; the project site is within Beat #2, which is staffed 24 hours per day by a minimum of two officers (Righter, 1994). Given the City's current population of approximately 26,000 people, the current police-to-resident service ratio in San Pablo is approximately one police officer to every 685 residents (or 1.46 police officer per 1,000 residents). This ratio meets the City standard of 1.43 police officers per 1,000 residents (City of San Pablo, 1992). However, the police to resident ratio is only one factor in determining staffing needs since police staffing is a relatively complex situation that is not responsive to population levels only. The City also considers service demand and police protection priorities established by the City for determining police staffing needs (Righter, 1994).

Fire Protection Services

The West County Fire Protection District is comprised of three full-time firefighters per shift and a fire captain. The District responds to calls within the City of San Pablo limits as well as to some surrounding areas of unincorporated Contra Costa County. The District Fire Station is located at 13928 San Pablo Avenue, approximately one mile north of the project site. The District operates one 1,500-gallon per minute capacity engine. Two nearby stations--the El Sobrante station and the City of Richmond Hilltop station--have rescue units equipped with trucks. Average response time to calls for service in the City of San Pablo is four minutes (Price, 1994). San Pablo's fire protection services are rated a "IV" on the I - X (best to worst) ISO scale (Price, 1994). The ISO rating is based on available water supply, manpower, and equipment and is used to establish fire insurance rates paid by local residents and businesses.

The West County Fire Protection District maintains automatic aid and mutual aid agreements with the fire departments of the City of Richmond and other stations within the West County Fire Protection District (Price, 1994). Automatic aid agreements provide for an automatic response to structural fires in areas immediately adjacent to the jurisdiction's boundary. Mutual aid agreements provide service anywhere in the neighboring jurisdiction when that assistance is specifically requested.

The City of San Pablo has not established uniform, peak-load fire flow standards for new structures or remodeled buildings. Peak-load fire flow is the minimum water pressure (expressed in flow rates of gallons per minute) determined necessary to suppress a fire during peak water use periods. Designs for new structures and remodeled buildings are reviewed by fire department officials to determine specific fire flow requirements (Price, 1994). Building construction, occupancy, area, height and distance from other buildings are all factors used in determining peak load fire flows. In checking plans, the District seeks to assure adequate fire flow levels, general access, turnarounds, and other relevant fire protection measures as well as ready identification of buildings through signage or street numbers. The District may further require (as a condition of approval) the installation of fire alarm systems, fire retardant roofing, or sprinkler systems.

SIGNIFICANCE CRITERIA

Appendix G of the CEQA *Guidelines* states that a project "will normally have a significant effect on the environment if it will . . . interfere with emergency response plans or emergency evacuation plans." Any increases in demand for public services created by the proposed project would be considered significant if those increases were to result in a reduction of the level of service currently provided to the project site and the surrounding area.

As indicated in the Initial Study (see Appendix 8.1), local fuel, water and energy providers have indicated that the project would not create additional demand that would exceed existing and planned future capacity of these systems. Furthermore, the site is served by existing on-site sewer and water systems. It is anticipated, however, that the introduction of the gaming club at the project site could increase the demand for police and fire services. Impacts to these services are addressed below and mitigations identified for any significant adverse impacts.

IMPACTS AND MITIGATION MEASURES

Impact 4.6.1: Development and operation of a gaming club would require additional police services. This would be a less-than-significant impact to the City of San Pablo Police Department.

Development of the project would establish a privately-operated gaming club in the City of San Pablo. The number of calls for police service from a gaming club would be similar to the number of calls associated with a commercial/recreational facility of comparable size (Krathwohl, 1994). The number of sworn officers in the City of San Pablo Police Department is sufficient to respond to service calls from the proposed Palace Casino. Therefore, no increase in the number of sworn officers is warranted (Righter, 1994).

The San Pablo Police Department would be required to screen all prospective employees of the facility and monitor the operation for compliance with all relevant laws, codes and ordinances. Those duties, along with the other services normally provided by police to such commercial operations (traffic and parking enforcement, calls for complaints, etc.), would add substantially to the demand for service currently placed on the San Pablo Police Department. Currently, the Police Department is not sufficiently staffed to accommodate the clerical and administrative tasks that would need to be accomplished to support the operation of the proposed Palace Casino (Righter, 1994). Therefore, additional Police Department clerical and administrative staff are required. The size of the gaming club operation would generally correlate with the severity of the impact to the clerical and administrative services of the San Pablo Police Department (Righter, 1994). As part of Ordinance 94-001, the costs associated with background checks, fingerprinting, and other administrative processing regarding the owners or employees in the gaming club are the responsibility of the project applicant (see Sections 9.04.100 and 9.04.150 of Ordinance 94-001 in Appendix 8.3). Therefore, the additional clerical and administrative staff required as part of the proposed project would be funded through the fees established by Ordinance 94-001.

Mitigation Measure 4.6.1.

None required.

Impact 4.6.2: The operation of a gaming club could result in the perception that the amount of criminal activity in San Pablo and neighboring communities would increase. This would not be a significant impact.

Numerous studies have been completed that analyze the link between the operation of a gaming club and criminal activity. A review of those studies has indicated that no correlation exists between crime rates and the operation of a gaming club (Krathwohl, 1994). Thus, it is anticipated that the crime rate in the City of San Pablo would not increase as a result of the operation of a gaming club (Krathwohl, 1994).

Residents in the vicinity of the proposed Palace Casino have indicated they perceive that an increase in criminal activity would occur as a result of the gaming club operation. This perception is based on the following: the gaming club would be a place where large sums of money rapidly change hands between the establishment and its patrons (with the establishment being solely responsible for accounting of transactions); and, it would create a social setting centered on the gambling taking place therein. The types of related problems that are perceived to have the potential to occur include bookmaking, armed robbery, extortion, gang activity, prostitution, loan sharking, illegal betting, drugs and trick and device operations.

The project applicant has indicated that the proposed Palace Casino would include a security and surveillance staff of 71 persons, including 52 trained security officers. The security and surveillance staff, which would cooperate with and be backed up by the San Pablo Police Department, is intended to provide protection services at the project site. Any criminal activities that occur off the project site would be the responsibility of the local police department. As indicated above, no increase in criminal activity is expected to occur as a result of the gaming club operation (Krathwohl, 1994). Therefore, no increase in the number of sworn officers within the City of San Pablo Police Department is warranted.

Mitigation Measure 4.6.2.

None required.

Impact 4.6.3: Development and operation of a cardroom would create a demand for increased fire services. This impact would not be significant.

The proposed project would be subject to design review and approval by the West County Fire Protection District before any project approval may be granted by the City. Design review would ensure compliance with all local and regional safety and fire codes, and would allow the District to make specific design recommendations to maximize the safety features of the project (Boyle, 1994).

Because the casino would operate 24 hours a day and attract more patrons than the existing bowling alley, the West County Fire Protection District expects that the proposed project would increase the number of calls for fire protection and emergency medical services (Price, 1994). Although this would not be expected to create a substantial burden on the District, District officials would review the site plans to assure that the project applicant complies with Fire District standards for adequate fire protection.

Mitigation Measure 4.6.3.

None required.

REFERENCES - Public Services

Boyle, Frank, Chief, West County Fire Protection District, personal communication, 9 September 1994.

City of San Pablo, *Growth Management Element*, adopted April 20, 1992.

Krathwohl, Douglas, Chief, San Pablo Police Department, personal communication, 27 August 1994.

Price, Ron, Captain, West County Fire Protection District, San Pablo station, personal communication, 9 September 1994.

Righter, Donald, Commander, San Pablo Police Department, telephone conversation, 7 September 1994.

5.0 ALTERNATIVES

CEQA requires an evaluation of the comparative merits of a range of reasonable alternatives to the project which could feasibly attain the basic objectives of the project [CEQA Guidelines Section 15126(d)]. The range of alternatives is governed by the "rule of reason" that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative [CEQA Guidelines Section 15126(d)(5)].

The alternatives analysis includes the No-Project Alternative (which is the environmentally superior alternative and is required by CEQA), a Reduced-Density Alternative (which is the environmentally superior alternative where a gaming club is built), and an Off-Site Alternative. In addition, this section provides a discussion of alternatives that were considered but are not addressed in detail. The significant effects of the alternatives are discussed in this section of the EIR but in less detail than the discussion of effects associated with the proposed project [CEQA Guidelines Section 15126(d)(4)].

5.1 NO-PROJECT ALTERNATIVE

DESCRIPTION

Under this alternative, the project site would remain as it is currently, a bowling alley with a paved parking area and a mobile home park. Any impacts described under this alternative would be associated with the current condition of the site.

IMPACTS

Land Use, Plans and Policies

Under the No-Project Alternative, no improvements or changes would be made to existing site conditions. The on-site structures would remain in their existing condition and the cracked and uneven pavement in the parking lot area would not be repaved. This alternative would be compatible with the existing developed character of the area. The parcel containing the Lucky Lanes bowling alley would be consistent with the City of San Pablo General Plan land use

Transportation, Circulation and Parking

Under the Reduced-Density Alternative, the gaming club would have 50 fewer tables, hire fifty percent fewer cardroom-based employees, and thus would serve fewer patrons. Therefore, this alternative would generate less traffic than the proposed project. However, traffic would still increase, and the impacts associated with the proposed project would still occur. The mitigation measures described under the proposed project for the San Pablo Avenue/San Pablo Dam Road intersection would also reduce this impact to a less-than-significant level. As under the proposed project, this alternative would contribute to the current poor level of service at the I-80/San Pablo Dam Road interchange. Since the implementation of proposed improvements at this interchange is not funded and Caltrans has no schedule for completion of the improvements, this alternative would also contribute to the degradation of this interchange. This is a significant, unavoidable impact.

This alternative would provide an adequate number of parking spaces to accommodate the parking demand. With a reduction of 50 card tables, it is estimated that a total of 475 parking spaces would be required (based on the surveys conducted by the Town of Colma and presented in Table 4.2.8). The project site is of sufficient size to accommodate 475 parking spaces.

Air Quality

Under the Reduced-Density Alternative, air quality impacts would be less than those associated with the proposed project. Since less traffic would be generated, the long-term increase in criteria air pollutant emissions would be less. However, as under the proposed project, this alternative would contribute to the short-term exceedances of CO concentrations at the San Pablo Avenue/San Pablo Dame Road intersection.

The construction and remodeling activities would be the same under this alternative as that described for the proposed project. Thus, the same level of fugitive dust emissions would be produced. Implementation of the mitigation measure for the proposed project would reduce these emissions, but this would still be a significant impact.

Noise

Because construction and remodeling activities would be the same under this alternative as those under the proposed project, the Reduced-Density Alternative would generate the same amount of

construction-related noise. Limiting construction times to weekdays from 7:00 a.m. to 6:00 p.m. would reduce this impact to a less-than-significant level.

Biological Resources

The Reduced-Density Alternative would involve the same construction and remodeling activities that would occur under the proposed project. Therefore, no natural vegetation would be removed. As with the proposed project, stormwater runoff from the expanded parking lot would result in an increase in the amount of pollutants transported into Wildcat Creek. However, the project applicant would be required to obtain an NPDES permit from the Regional Water Quality Control Board, which would require that best management practices outlined in the City's stormwater plan be used to mitigate this impact. This would reduce the impact to a less-than-significant level.

Public Services

The Reduced-Density Alternative would require additional police and fire protection services. As with the proposed project, the project applicant would be required to pay fees outlined in Ordinance 94-001 associated with background checks, fingerprinting, and administrative processing services provided by the Police Department. It is anticipated that monies for additional Police Department clerical and administrative staff would come from these fees. The project applicant would also submit project plans to the Fire District for review, and comply with the standards of the Fire District. These measures would reduce impacts on public services to a less-than-significant level.

ABILITY TO MEET PROJECT OBJECTIVES

This alternative would enable a gaming club to operate in the City of San Pablo. However, the amount collected in business license taxes from the gaming club would be approximately 50% of the taxes generated by the proposed project. This alternative would reduce the significant, unavoidable adverse impacts identified for the proposed project; however, the reduction in the impact would not be a level of less-than-significant.

5.3 OFF-SITE ALTERNATIVE

DESCRIPTION

Under this alternative, the proposed project would be constructed at the Fry's Market site at 3560 San Pablo Dam Road in San Pablo. This alternative involves the remodeling of the 34,000-square-foot structure formerly used by Fry's Supermarket and several small satellite stores at the rear of the site and the demolition of the 1,500-square-foot structure on the front portion of the site. The structures have been vacant for over three years and have acquired an abandoned and blighted appearance. The remainder of the 6.7-acre site was formerly the parking lot for the shopping center and is paved over, although the paving has deteriorated over time. The site is currently fenced and gated.

As with the proposed project, this alternative would include two separate cardrooms, a small cocktail lounge, a 90-seat coffee shop, an 80-seat fine dining area, and a 100-seat capacity banquet/meeting room. The central portion of the building will contain the restaurant, cafe, lounge kitchen and banquet/meeting room. The existing parking area would be repaired and resurfaced to provide 420 parking spaces. An additional 30 spaces would be located to the rear of the site. The lot in front of the building will be reserved for valet parking, with the lot behind the building used for employees and self-park patrons.

The number of employees associated with a gaming club at this off-site alternative would be the same as that described for the proposed project.

IMPACTS

Land Use, Plans and Policies

The Off-Site Alternative would be consistent with the existing zoning for the site and the General Plan commercial designation for the site. A gaming club at this site would replace an existing office and showroom, as well as two vacant commercial structures. Therefore, this alternative would not alter the general existing land use at the site (i.e., commercial) and would not create a significant land use impact.

Transportation, Circulation and Parking

The increase in vehicle trips would also occur under the Off-Site Alternative. A major portion of the site is currently abandoned, and operation of the proposed gaming club would increase traffic in both directions along San Pablo Dam Road. This alternative would generate the same amount of traffic compared to the amount generated by the proposed project; however, traffic would be distributed along different roadways. It is anticipated that traffic from this alternative would use both the El Portal and the San Pablo Dam Road interchanges with I-80; therefore, this alternative would contribute to congested conditions at both interchanges. Since implementation of the identified mitigation measures for the I-80/San Pablo Dam Road interchange is not scheduled, this traffic impact would be considered significant and unavoidable.

The 6.7-acre site at this alternative is smaller than the proposed site. Therefore, the number of parking spaces that could be provided at the Off-Site Alternative would be less than the proposed project. This would be a significant impact.

Air Quality

As under the proposed project, this alternative would generate substantial air pollutant emissions during construction (and possible demolition) and operation. Since the Off-Site Alternative would generate a similar amount of traffic, the short-term increase in criteria air pollutant emissions would be the same. This is a significant impact.

This alternative would include a similar amount of remodeling and repaving of a surface parking lot. Therefore, the amount of fugitive dust emissions produced under this alternative would be similar to that described for the proposed project. Implementation of the mitigation measure for the proposed project would reduce these emissions, but this would still be a significant impact.

Noise

Because the Off-Site Alternative would involve a similar amount of remodeling, it would generate construction-related noise for a similar duration of time. Like the proposed project site, the Off-Site Alternative project site is close to a residential area that would be affected by increased noise levels. Limiting construction times to weekdays from 7:00 a.m. to 6:00 p.m., when most nearby residents would be at work, would reduce this impact to a less-than-significant level.

Biological Resources

The project site under the Off-Site Alternative is also located in an urban setting and is currently developed by several commercial structures. Therefore, no rare or endangered animals would be affected. This alternative would remove some existing vegetation at the rear portion of the site; however, no special status species are known to exist in this area. As a result, no significant impacts to biological resources would occur.

Public Services

The Off-Site Alternative would require additional police and fire protection services. As with the proposed project, the project applicant would be required to pay fees outlined in Ordinance 94-001 associated with background checks, fingerprinting, and administrative processing services provided by the Police Department. It is anticipated that monies for additional Police Department clerical and administrative staff would come from these fees. The project applicant would also submit project plans to the Fire District for review, and comply with the standards of the Fire District. These measures would reduce impacts on public services to a less-than-significant level.

ABILITY TO MEET PROJECT OBJECTIVES

This alternative would meet the objectives of the proposed project. The business license taxes paid to the City would be the same under this alternative as under the proposed project.

This alternative would result in four significant, unavoidable adverse impacts compared to three such impacts for the proposed project.

5.4 ALTERNATIVES CONSIDERED BUT NOT ADDRESSED IN DETAIL

The following is a discussion of alternatives that were considered by the City but are not addressed in detail within this EIR. Many of these alternatives are suggestions provided to the City as a result of the public participation process. These alternatives generally are of two types: (1) an alternative that is focused on a specific aspect of the proposed project that is analyzed within Section 4.0 of this EIR; and (2) an alternative that is focused on an environmental impact that is not considered to be significant and, therefore, does not require additional study.

- An alternative site completely within the limits of the City of San Pablo without sharing borders with the City of Richmond or other jurisdictions. This alternative does not address any significant impacts of the proposed project. Inclusion of any other alternative sites not

bordering on adjacent jurisdictions would not result in any different impacts than described for the proposed project.

- An alternative to 24-hour per day operations. No significant impacts are associated with the 24-hour per day operation of the proposed Palace Casino. Therefore, inclusion of this alternative would not result in the reduction of any significant impacts compared to that of the proposed project.
- An alternative to the number of parking spaces. This alternative is focused on the increase in parking spaces associated with the proposed project. As described for the proposed project, the number of parking spaces included as part of the proposed project would not accommodate the parking demand generated by the facility. A reduction in the number of parking spaces would increase the severity of this significant impact. Therefore, inclusion of this alternative would not result in the reduction of any significant impacts compared to that of the proposed project.
- An alternative to on-site parking. Section 4.2 of this EIR describes the inclusion of shuttle service to BART, off-site parking for employees, and the use of public transit as a means of reducing the parking demand at the project site. Therefore, these issues are addressed in this EIR and inclusion of this alternative is not necessary.
- An alternative that maintains existing low-cost housing at the project site. The removal of these housing units is not a significant impact of the proposed project (see Section 4.1 of this EIR). Therefore, inclusion of this alternative would not result in the reduction of any significant impacts compared to that of the proposed project.
- An alternative to surface parking. This alternative would require the construction of a multi-level parking garage. Depending on the size of the parking garage, this alternative could accommodate the parking demand associated with the proposed project. However, a parking garage would likely result in excavation of a portion of the project site. This would result in new impacts that would not occur under the proposed project: soils and geotechnical issues and cultural resource issues. In addition, this alternative would result in greater noise and air quality impacts during construction and potentially greater air quality impacts during operation. Since adequate mitigation measures exist to reduce the parking impact associated with the proposed project to a less-than-significant level, an analysis of an alternative that results in greater overall environmental impact is not warranted.
- An alternative that provides recreational opportunities to all age groups. No significant impacts are associated with the loss of recreational opportunities of the bowling alley since this is not a CEQA issue. Therefore, inclusion of this alternative would not result in the reduction of any significant impacts compared to that of the proposed project.
- An alternative to the surface parking layout. Section 4.2 of this EIR includes mitigation measures for altering the parking layout of the proposed project. In addition, as indicated in Section 3.3 of this EIR, the lighting and signage of the proposed project would be subject to design review by the City of San Pablo. The inclusion of this alternative would not result in the reduction of any significant impacts compared to that of the proposed project.

- An alternative that includes areas for community gatherings. The proposed project includes a banquet/meeting room that would be available for community gatherings. Therefore, this is addressed in this EIR and inclusion of this alternative is not warranted.
- An alternative to the proposed 100-table cardroom. The Reduced-Project Alternative (see Section 5.2 of this EIR) is a 50-table cardroom. This alternative has been included in this EIR.

6.0 IMPACT OVERVIEW

6.1 UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

Three impacts that have been identified in this EIR would result in an unavoidable significant impact that could not be mitigated to a less-than-significant level: traffic generated by the project would contribute to a degradation in the level of service at the I-80 eastbound on-and off-ramps/San Pablo Dam Road intersection; earth moving and construction activities would result in temporary increases in ambient concentrations of fugitive dust; and increases in CO emissions from traffic generated by the project would temporarily violate air quality standards at the San Pablo Avenue/San Pablo Dam road intersection. Although mitigation measures have been identified to reduce these identified impacts, these measures would not mitigate these impacts to a level of less-than-significant.

6.2 CUMULATIVE IMPACTS

The development of the proposed gaming club would contribute incrementally to impacts resulting from on-going development in the City and its environs. The proposed gaming club is consistent with much of the development along San Pablo Avenue that tends to be regional as well as local serving. Development of the project would increase commercial use in the City and provide additional parking. Regional access to the project would be from I-80, while local access would be from San Pablo Avenue and San Pablo Dam Road.

Other development projects in the City of San Pablo that would contribute to cumulative impacts in the site vicinity include:

- bingo parlor at 13100 San Pablo Avenue;
- 32 residential units on Rumrill Boulevard;
- 21 residential units on Church Lane;
- 45 residential units at Hillcrest/Brentz Lane; and
- New Bethel Church, a conversion of the vacant AAA office on San Pablo Avenue.

The following proposed or pending development projects in the City of Richmond were chosen to be included as part of the cumulative impact analysis because traffic generated by these

developments would use either San Pablo Avenue, San Pablo Dam Road, or the I-80/San Pablo Dam Road interchange (Farah, 1994). These projects in Richmond would contribute to impacts in the vicinity of the project site:

- 177 townhomes on Castro Ranch Road;
- 332 single-family residential units on Clark Road;
- 48 single-family residential units on Mosier Road;
- 24 duplex units at 17th and Pennsylvania;
- 254 single-family residential units on Golden Oaks;
- 1,000 residential units proposed by Chevron Land and Development Corporation between San Pablo Avenue and Giant Highway; and
- 1,000,000 square feet of bioscience office and research uses near the intersection of Hilltop Drive and San Pablo Avenue.

The number of vehicle trips generated by the cumulative development projects identified by the Cities of San Pablo and Richmond were accounted for in the general traffic volume increases included in the *West Contra Costa County Action Plan: Future Background Conditions Report*. These increases in traffic volume result in changes to the level of service at several study intersections (see Section 4.2 of this EIR). Therefore, the addition of daily and peak hour trips to local streets and intersections, resulting from traffic generated by operation of the project, would add to the cumulative increase in traffic on certain streets and intersections (most notably, the San Pablo Avenue / San Pablo Dam Road intersection and the I-80 / San Pablo Dam Road interchange).

As noted in Section 4.3 of this EIR, the additional traffic generated by the project would contribute to the existing violation of air quality standards at the San Pablo Avenue/San Pablo Dam Road intersection. Project construction activities would add incrementally to local TSP emissions. In addition, operation of the project would contribute to the cumulative demand for police and fire protection services in San Pablo.

6.3 IRREVERSIBLE ENVIRONMENTAL CHANGES

Development of a gaming club would require an irreversible commitment of natural resources for building remodeling, such as wood, refined metals, petroleum, and stone. In addition, it would result in the irretrievable commitment of energy and water to support the commercial uses that would occur as part of the project.

6.4. GROWTH INDUCING IMPACTS

Development of the project would add to a cumulative increase in economic activity in the City. The project would generate additional jobs during construction and operation, which would result in an increased demand for consumer services by the construction workers and gaming club employees. Increased employment in the City of San Pablo mostly likely would not result in a greater demand for housing in the City and surrounding area. Because of the urbanized character of the region and the proximity of the site to I-80, it is more likely that employees would commute from their existing residences to work at the gaming club.

Even if the project were to increase housing demand, this demand is not anticipated to be substantial, because many employees would already live in the City of San Pablo or surrounding areas. The housing demanded by project employees would probably be low- and moderate-income rental housing, of which there is an undersupply in the region. It is unlikely that the project would stimulate construction of this type of housing. According to the Housing Element of the *City of San Pablo General Plan*, residential growth is limited because of a lack of readily developable land.

6.5 SHORT-TERM USE VS. LONG-TERM PRODUCTIVITY

The proposed project would result in the remodeling of an existing bowling alley and the conversion of a mobile home park to a surface parking lot. These changes could be considered long-term uses of the environment because the life of the project would be approximately 30 to 50 years. Urban use of the project site would probably continue beyond the useful life of the remodeled building since the surrounding area is already developed. In terms of geological and ecological time frames (i.e., the span of time necessary for broad changes in the topography or biota), the proposed project could be considered a relatively short-term use of the environment.

REFERENCES - Impact Overview

Farah, Jim, Planning Director, City of Richmond, telephone conversation, 12 September 1994.

Monroe, Craig, Planning Director, City of San Pablo, personal communication,
1 September 1994.

7.0 REPORT PREPARATION

7.1 LEAD AGENCY

City of San Pablo
One Alvarado Square
San Pablo, California 94806

City Manager: Rory C. Robinson
Planning Division Manager: Craig Monroe

7.2 EIR CONSULTANTS

Environmental Science Associates
300 Brannan Street, Suite 200
San Francisco, California 94107 - 1811

Project Manager: David Full, AICP

Technical Specialists

Land Use, Plans and Policies: Marie Galvin
Air Quality and Noise: Chris Sanchez
Biological Resources: Kathy Cuneo, Ph.D.
Public Services: Marie Galvin

Transportation Subconsultants

Dowling Associates
180 Grand Avenue, Suite 995
Oakland, California 94612

Project Manager: Joe Holland, Principal

7.3 PERSONS AND AGENCIES CONTACTED

CITY OF SAN PABLO

Craig Monroe, Planning Director

Jon Eller, Assistant Planner

Gordon Anderson, Deputy City Manager

Luke Sims, Economic Development Coordinator

Donald Righter, Commander, Police Department

Douglas Krathwohl, Chief, San Pablo Police Department

C. Michael Chadwick, Public Works Division Manager

WEST COUNTY FIRE PROTECTION DISTRICT

Ron Price, Captain, West County Fire District

Frank Boyle, Chief, West County Fire District

OTHER PERSONS CONSULTED

Kay Van Sickel, Assistant General Manager, Service Development and Marketing, Alameda-Contra Costa Transit District

Mac Carpenter, Carpenter and Associates

Leigh Jordan, California Archaeological Inventory

Jim Farah, Planning Director, City of Richmond

8.0 APPENDICES

- 8.1 THE PALACE CASINO PROJECT INITIAL STUDY
- 8.2 RESPONSES TO THE NOTICE OF PREPARATION
- 8.3 ORDINANCE 94-001
- 8.4 TRAFFIC IMPACT ANALYSIS FOR THE PROPOSED CASINO PROJECT IN SAN PABLO
- 8.5 TRAFFIC VOLUMES

8.1 THE PALACE CASINO PROJECT INITIAL STUDY

INITIAL STUDY AND CHECKLIST

Title of Proposal: The Palace Gaming Casino

Date Checklist Submitted: August 10, 1994

Agency Requiring Checklist:

The City of San Pablo
Community Development Department
One Alvarado Square
San Pablo, California 94806

Agency Contact: Craig Monroe, Planning Division Manager
(510) 215-3034

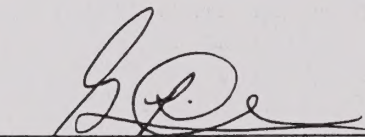
DETERMINATION

On the basis of this initial evaluation:

- a) I find that the proposed project could not have a significant effect on the environment, and A NEGATIVE DECLARATION will be prepared.
- b) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described on an attached sheet have been added to the project.

A NEGATIVE DECLARATION will be prepared.

- X c) I find the proposed project may have a significant effect on the environment, and
AN ENVIRONMENTAL IMPACT REPORT is required.



Signature

GORDON R. ANDERSON

Print Name

CITY OF SAN PABLO

For

10 August 1984

Date

ENVIRONMENTAL CHECKLIST FORM

Project Location: The project is located in Contra Costa County in the eastern portion of the City of San Pablo, near Interstate 80 (See Figure 1).

Project Address: 13255 and 13401 thru 13417 San Pablo Avenue, San Pablo, California

Environmental Setting: The proposed project site includes two parcels of land. The first parcel (to be referred to as the "Lucky Lanes" property) is 3.9 acres and currently contains one structure and a paved parking area. A 56,000 square-foot structure used by the Lucky Lanes Bowling Alley is located on the rear portion of the Lucky Lanes parcel. The area in front of the bowling alley includes a parking lot that has deteriorated over time. The second parcel (to be referred to as the "Wong" property) is 5.4 acres and includes a mobile home park with some permanent buildings. The Wong property has 38 mobile homes and 4 buildings that house 28 rental units on the site. Twelve mobile homes are currently vacant and only three of the rental units are currently being occupied.

The project vicinity is comprised primarily of a variety of commercial uses along San Pablo Avenue. Land uses immediately adjacent to the site include a residential neighborhood to the west across Wildcat Creek, Brookside Hospital to the northwest, a commercial and residential area to the north (including a doctor's office and an abandoned convalescent hospital), a Moose Lodge to the south, and a mix of commercial and residential uses (including retail, fast food, and convalescent hospital uses) to the east across San Pablo Avenue. The site fronts onto the San Pablo Avenue / San Pablo Dam Road intersection. San Pablo Dam Road terminates at this intersection and is a major arterial that provides access to Interstate 80.

Description of Project: On April 12, 1994, Ordinance 94-001 was adopted by the people of the City of San Pablo at a special municipal election. The Ordinance authorized the establishment and operation of gaming clubs in the City of San Pablo and amended the zoning code to allow gaming clubs in the C-1 zone subject to a use permit. The ordinance limits gaming establishments to a maximum of one for every 20,000 population, and requires that any such cardroom provide a minimum of 30 gaming tables.

The proposed project site would include the Lucky Lanes and Wong properties. The proposed project would use the 56,000 square-foot bowling alley for a cardroom facility. The Gaming Casino would contain two separate 50-table cardrooms, a small cocktail lounge, a 90-seat coffee shop, an 80-seat fine dining area and a 100-seat capacity banquet/meeting room. The central portion of the building will contain the restaurant, cafe, lounge kitchen and banquet/meeting room. The existing approximately 315-space parking area would be repaired and resurfaced with a new parking area extended onto the Wong property, for a total of 912 parking spaces. A portion of the parking lot on the Lucky Lanes Property will be reserved for valet parking, with the spaces closer to San Pablo Avenue and on the Wong property used for employees and self-park patrons.

The proposed cardroom would operate on a 24-hour basis, seven days a week. It would operate three shifts daily and employ approximately 700 people. The project applicant has indicated that prior to hiring non-San Pablo residents, a minimum of 200 jobs will be provided to City residents. A management training program will also be provided for local residents. The cardroom will provide 71 positions for the security and surveillance force, including 52 trained security officers. The cardroom would also provide shuttle service to and from the local BART station in El Cerrito.

ENVIRONMENTAL IMPACTS:

I. Earth. Will the proposal result in:

a. Unstable earth conditions or in changes in geologic substructure?

No. The site is currently occupied by a bowling alley and a mobile home park, both of which provide paved on-site parking. The paved parking area has deteriorated over time and will require resurfacing as part of project development. The resurfacing activity will not create unstable earth conditions or changes in the geologic substructure. The impact from these activities would not be significant. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

b. Disruptions, displacements, compaction or overcovering of the soil?

No. Resurfacing the portion of the site already paved will not result in disruptions, displacements, compaction or overcovering of the soil, since the existing pavement will remain. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

c. Change in topography or ground surface relief features?

No. The majority of the project site is already paved, and no excavation or cut and fill activities are proposed. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

d. The destruction, covering or modification of any unique geologic or physical features.

No. The site is currently developed. No unique geologic or physical features are present on the site. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

e. Any increase in wind or water erosion of soils, either on or off the site?

No. The portions of the site not covered by the building are either paved or landscaped. The project site is surrounded on all sides by development. Drainage will be conducted off-site through the existing drainage routes into a subsurface drainage system to Wildcat Creek at the rear of the Lucky Lanes property. Any changes to the drainage system for the site will comply with City of San Pablo standards and regulations. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

f. Changes in deposition or erosion of beachsands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?

No. The site is not adjacent to any ocean, but is adjacent to Wildcat Creek. Since the site is currently paved, there would be no change in the drainage patterns or

amount of runoff to the creek as a result of the proposed project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

g. Exposure of people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

Maybe. The project site is located in the San Francisco Bay Area, one of the most seismically active regions in the United States. The project site could be affected by strong ground shaking due to movement along any one of a number of active faults in the region, especially the Hayward fault, which is located in the eastern portion of the City. The most recent earthquake causing substantial damage along this fault occurred in 1868. The Hayward Fault is included in an Alquist-Priolo Special Studies Zone, established by the Alquist-Priolo Special Studies Zone Act of 1972. The purpose of the Act is to avoid placing habitable structures across traces of active faults. The project site lies approximately 1500 feet outside of the Alquist-Priolo Special Studies Zone.

The major hazards associated with earthquakes include ground shaking, liquefaction, landslides, and inundation. The severity of ground shaking depends upon the underlying geology, soil conditions and slope of the individual site. The project site is located in a seismic zone (Zone B) that is identified as being subject to severe shaking during an earthquake.¹ The project site is located in a liquefaction zone (Zone II) where there is a high probability of liquefaction potential.¹ Inundation occurs as a result of tidal waves generated by volcanic or other disturbance on the sea floor. Since the site is not in a shoreline area, it would not be subject to inundation in the event of a major earthquake.

Regulations in the Uniform Building Code and other State-mandated requirements, which are enforced in the City of San Pablo, incorporate seismic information and considerations. Structures built or rehabilitated in accordance with these regulations should be able to: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage but with some non-structural damage; 3) resist major earthquakes without collapse, but with some repairable structural damage as well as non-structural damage; and 4) resist major earthquakes, equal to the strongest experienced in California, without collapse but with major nonstructural and structural damage that may not be repairable. With the implementation of the Uniform Building Code and State-mandated requirements, the impacts associated with exposure of people or property to geologic hazards would be mitigated. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

¹ Tri-Cities Seismic Safety and Environmental Resources Study, *Environmental Analysis of Contra Costa County, Survey of Natural Factors*, September 1973.

II. Air. Will the proposal result in:

a. Substantial air emissions or deterioration of ambient air quality?

Yes. The proposed project could generate substantial air pollutant emissions during construction and during operation. During construction, equipment and truck travel could generate substantial amounts of particulate matter. Once open for business, the project may result in an increase in air pollutant emissions, mostly from related automobile traffic. On a regional basis, construction activities and automobile traffic are major sources of air pollutants, which occasionally exceed health-based standards in the San Francisco Bay Area. Therefore, the *Palace Gaming Casino EIR* will include a discussion on the air quality impacts associated with the project.

b. The creation of objectionable odors?

No. The proposed project will have a food preparation kitchen serving the cafe and restaurant, which would be similar to previous and existing uses on the site. Any emissions from this use will be subject to standards and controls of the County Environmental Health Department. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?

No. The site will use the existing commercial building. The usage of the site is similar to a retail business operation and will not result in alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

III. Water. Will the proposal result in:

a. Changes in currents, or the course or direction of water movements, in either marine or freshwaters?

No. The site lies adjacent to Wildcat Creek and no alteration of Wildcat Creek would occur. The proposed project would use the existing drainage improvements on the site. Any changes in drainage patterns on the site as a result of the proposed project will be designed in accordance with City of San Pablo regulations and standards. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?

No. The site is currently paved and no increase in impervious surfaces would occur as a result of the proposed project. No change in the amount of runoff would occur. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

c. Alterations to the course or flow of flood waters?

No. The proposed project would not change the course or flow of flood waters. The site is within a C flood zone, area of minimal flooding, identified under FEMA Flood Insurance Rate Maps (Panel No. 060036 0001D, Revised 11-17-93). Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

d. Changes in the amount of surface water in any water body?

No. The site lies adjacent to Wildcat Creek and no alteration of Wildcat Creek would occur. The proposed project would use the existing drainage improvements on the site. Any changes in drainage patterns on the site as a result of the proposed project will be designed in accordance with City of San Pablo regulations and standards. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

e. Discharge into surface waters, or in any alteration of surface water quality, including, but not limited to, temperature, dissolved oxygen or turbidity?

No. Discharge of storm waters will be subject to standards, controls and requirements of the City's Stormwater Management Plan. There are no unique discharges associated with this project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

f. Alteration of the direction or rate of flow of ground waters?

No. Since the site is currently paved, no change in the direction or rate of flow of ground waters would occur as a result of the proposed project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

g. Changes in the quantity of ground waters, either through direct additions or withdrawals, or through interception of any aquifer by cuts or excavations?

No. Except for existing stormwater discharges into the City's stormwater system and Wildcat Creek there will be no additions, withdrawals, or interception of any aquifer by cuts or excavations. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

h. Substantial reduction in the amount of water otherwise available for public water supplies?

No. The site has been used as a bowling alley with complementary restaurant, bar, and residential uses. The demand from the project will be similar to what was supplied in the past. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

- i. **Exposure of people or property to water related hazards such as flooding or tidal waves?**

No. The site does lie adjacent to Wildcat Creek. The site is within a C flood zone, area of minimal flooding, identified under FEMA Flood Insurance Rate Maps (Panel No. 060036 0001D, Revised 11-17-93). Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

IV. Plant Life. Will the proposal result in:

- a. **Change in the diversity of species, or number or any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?**

Maybe. The proposed project includes improvements to the parking area of the site, which will include the addition of some landscaping. Therefore, the *Palace Gaming Casino EIR* will include a discussion on the impacts to plant life that would result from the project.

- b. **Reduction in the numbers of any unique, rare, or endangered species of plants?**

Maybe. Given the urban character of the area, the presence of unique, rare or endangered plants is unlikely. However, no botanical survey or review of the Natural Diversity Database for the area has been performed. Therefore, the *Palace Gaming Casino EIR* will include a discussion on the impacts to plant life that would result from the project.

- c. **Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?**

No. All new landscaping will be subject to conformance with the City's Landscape Ordinance. Plants used for landscaping will be of the type common in the Bay Area. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

- d. **Reduction in acreage of any agricultural crop?**

No. The City is entirely urbanized and there are no agricultural crops grown within the City boundaries. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

V. Animal Life. Will the proposal result in:

- a. **Change in the diversity of species, or numbers of any species of animals (birds; land animals, including reptiles; fish and shellfish, benthic organisms or insects)?**

No. The site is located in an urban setting and is currently developed. The only animal species expected to occur at the site are those associated with urban

development in the Bay Area. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

b. Reduction in the numbers of any unique, rare, or endangered species or animals?

No. The site located in an urban setting and is currently developed. No unique, rare, or endangered species of animals is expected to occur at the project site. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

No. There would be no habitat created as part of the project that would attract new species of animals into the area. Development of the site would not create a barrier to the migration or movement of animals. In addition, the use of the site for migration would be unlikely because of the urbanized character of the area. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

d. Deterioration to existing fish or wildlife habitat?

No. The reuse of this already developed site would not affect an existing fish or wildlife habitat. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

VI. Noise. Will the proposal result in:

a. Increases in existing noise levels?

Yes. The project would result in short-term noise impacts during demolition and/or construction. Operation of heavy equipment could cause a substantial increase in existing noise levels at sensitive receptor locations in the vicinity of the project site (e.g., existing residential and hospital uses). Therefore, the *Palace Gaming Casino EIR* will include a discussion on the impacts of construction-related noise that would result from the project.

When the project is open for business, noise levels are not anticipated to increase substantially over level associated with the bowling alley uses. The site fronts San Pablo Avenue, one of the major arteries serving San Pablo and the adjacent communities. The Noise Element of the San Pablo General Plan depicts the day-night noise level along San Pablo Avenue as subject to noise levels above 76 dBA (due to the proximity of I-80 and the 24-hour traffic on San Pablo Avenue and San Pablo Dam Road). The increase in traffic from development of the project as proposed would not generate noise in excess of the existing noise contours. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

b. Exposure of people to severe noise levels?

Yes. The project would result in short-term noise impacts during demolition and/or construction that would exceed noise standards. Operation of heavy equipment could cause a substantial increase in existing noise levels at sensitive receptor locations in the vicinity of the project site; including the adjacent Brookside Hospital and convalescent homes in the vicinity. Therefore, the *Palace Gaming Casino EIR* will include a discussion on the impacts of construction-related noise that would result from the project.

During operation of the project, the noise generated by traffic entering and leaving the project site would not be expected to exceed existing noise levels and would therefore not be considered severe. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

VII. Light and Glare. Will the proposal result in:

a. Produce new light or glare?

No. The project will be located on a site currently being used as a bowling alley and as a mobile home park. The proposed new use will not generate light and glare in excess of the former use. The lighting of the parking areas will be designed to minimize offsite light spillage using downward-oriented high efficiency lights. The existing trees and vegetation situated along Wildcat Creek provide a buffer to adjacent residential uses. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

VIII. Land Use. Will the proposal result in:

a. Substantial alteration of the present or planned land use of an area?

Yes. The proposed cardroom project site would be consistent with the existing Light Commercial (C-1) zone and the Commercial / Highrise Land Use designation in the General Plan. The recreational uses that currently exist at the site would be replaced with other recreational uses. The residential land uses at the site would be replaced by a surface parking lot. The land use compatibility of the proposed project with surrounding land uses will be discussed in the *Palace Gaming Casino EIR*.

IX. Natural Resources. Will the proposal result in:

a. Increase in the rate of use of any natural resource?

No. The site is located in an urban area and is currently occupied by a bowling alley and residential land uses. The proposed project would rehabilitate the existing building and resurface the existing parking area and mobile home park. Utilities serving the site are already in place and available for the site. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

X. Risk of Upset. Will the proposal result in:

- a. A risk of an explosion or the release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?**

No. No hazardous substances are associated with the current or proposed use of the site. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

- b. Possible interference with an emergency response plan or an emergency evacuation plan?**

Maybe. The project is adjacent to Brookside Hospital, which has a rear access route through the Grace Lane right-of-way (ROW). Access on the Grace Lane ROW may be impaired during repavement of the parking area. Any improvement to the parking facilities at the project site, including striping and landscaping, should not block the Grace Lane access route. Implementation of this mitigation measure would result in no significant impact to any emergency response or evacuation plan. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

XI. Population. Will the proposal:

- a. Alter the location, distribution, density or growth rate of the human population of an area?**

Yes. The proposed project will relocate the inhabitants of the approximately 30 occupied residential units on the Wong property. The City of San Pablo would prepare and implement a plan to relocate the residents of these units in accordance with State of California guidelines. The implementation of this mitigation measure would reduce this impact to a less-than-significant level. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

The project is located in an urbanized area adjacent to the I-80 corridor. Development of the cardroom would result in the creation of approximately 600 to 700 jobs, of which approximately 200 jobs would be available to residents of the City of San Pablo. It is anticipated that other jobs would be filled by Bay Area residents. Primary access to the site would be provided by I-80 which serves several Bay Area communities. The employment generated by the project would not alter the already densely urbanized character of the area. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

XII. Housing. Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?**

Yes. The proposed project will relocate the inhabitants of the approximately 30 occupied residential units on the Wong property. The City of San Pablo would prepare and implement a plan to relocate the residents of these units in accordance

with State of California guidelines. The implementation of this mitigation measure would reduce this impact to a less-than-significant level. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

Because of the urbanized character of the region and the proximity of the site to I-80, the primary regional transportation corridor within the project area, it is unlikely that the creation of jobs will increase the demand for housing in the City of San Pablo. It is more likely that employees will commute from their existing residences to work at the cardroom. The customers of the cardroom would likewise commute to and from the cardroom. Should there be an increase in housing demand, the demand could be met by the existing housing supply in the City of San Pablo and the adjacent East Bay communities.

XIII. Transportation/Circulation. Will the proposal result in:

a. Generation of substantial additional vehicular movement?

Maybe. The site is currently occupied by a bowling alley and 32 residential units. Operation of the proposed cardroom may result in increased traffic along San Pablo Avenue, San Pablo Dam Road, and local and regional connectors to these Roadways. Therefore, the affects on traffic from the proposed project will be discussed in the *Palace Gaming Casino EIR*.

b. Effects on existing parking facilities, or demand for new parking?

Yes. The site currently has an on-site parking which accommodates approximately 315 parking spaces. Parking spaces will be extended further north and encompass the entire area of the Wong property. The parking lot is proposed to be improved and will provide all required off-street parking on the site. Therefore, the impacts associated with an increase in parking demand and parking supply will be discussed in the *Palace Gaming Casino EIR*.

c. Substantial impact upon existing public transportation systems?

No. The capacity of the existing public transportation system (AC Transit and BART) are adequate to handle any increases in demand that may occur as a result of the project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

d. Alterations to present patterns of circulation or movement of people and/or goods?

No. The development will take place along the existing transportation routes and corridors. The site lies along a major transportation route and provides nearby connections to I-80 at the San Pablo Dam Road freeway ramps. No alterations to present patterns of circulation or movement of people and/or goods will result from the implementation of the project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

e. Alterations to waterborne, rail or air traffic?

No. No waterways, rail lines or airports are used as traffic routes within the vicinity of the site. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

Maybe. The increase in traffic entering and leaving the project site could increase safety concerns for pedestrians and bicyclists along San Pablo Avenue. The overall increase in traffic in the area resulting from the project could increase the risk of accidents with motor vehicles. Therefore, the *Palace Gaming Casino EIR* will include a discussion of traffic safety.

XIV. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire Protection?

Maybe. The number of people concentrated in a cardroom site may result in increased calls for paramedic service by fire personnel. Current fire regulations allow a maximum capacity of approximately 400 persons in the bowling alley building. Depending on the patronage at the proposed project, the frequency of inspections by the fire marshal may increase. Therefore, a discussion of the impacts on fire protection services in the City of San Pablo will be included in the *Palace Gaming Casino EIR*.

b. Police Protection?

Maybe. The number of people concentrated in a cardroom site may result in increased calls for police intervention to maintain public safety. Background checks on prospective cardroom employees, as employee turnover occurs, may affect police personnel. Therefore, a discussion of the impacts on police protection services in the City of San Pablo will be included in the *Palace Gaming Casino EIR*.

c. Schools?

No. San Pablo is served by the Unified Richmond School District. The 1990 Census indicates that San Pablo's population is growing older and the need for new elementary schools is declining (as reflected in the recent closing of two of the District's Elementary Schools located within the City). The District's Master Plan provides for an enrollment that exceeds the 1994 projected school population, and will accommodate the additional students that may result from new residents locating in the City that may be employees of the project. The proponents of the project are proposing to use the existing employment base of the City and adjacent areas to fulfill most job needs of the project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

d. Parks or other recreational facilities?

No. The project will use the existing employment base of the area for most of the jobs created by the proposed use. A portion of the revenue provided to the City from taxes on the project will be used to enhance and improve existing recreation programs and facilities. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

e. Maintenance of public facilities, including roads?

No. The project is located along an established roadway and the site is designated in the City's General Plan for commercial uses. Public facilities, including roads, have been designated to accommodate such uses. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

f. Other governmental facilities?

Maybe. City administrative services may be affected to answer citizen inquiries and to monitor permit compliance. A portion of the revenue provided to the City from taxes on the project will be used to fund administrative staff necessary to accommodate any increase in workload. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

XV. Energy. Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

No. The project's demand for fuel or energy is similar to other commercial uses in the project vicinity. No unusual energy demands will result from the project. Since the project will operate on a 24-hour basis, high efficiency, low energy demand lighting systems will be required to be installed. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

No. The project will use existing energy sources and no substantial increase in demand upon existing sources would occur as a result of the project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

XVI. Utilities and Service Systems. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

No. The existing on-site electricity and natural gas lines would be able to accommodate the proposed project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

b. Communications systems?

No. The existing on-site communication systems would be able to accommodate the proposed project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

c. Water?

No. The existing on-site water supply and distribution systems would be able to accommodate the proposed project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

d. Sewer or septic tanks?

No. The existing on-site sewer systems would be able to accommodate the proposed project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

e. Storm water drainage?

No. Since the project will use the existing on-site storm drainage system and no new impervious surface would be created, no change in runoff and the storm drainage system's ability to accommodate the runoff would occur. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

f. Solid waste and disposal?

No. The existing solid waste disposal systems in the site vicinity would be able to accommodate the proposed project. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

XVII. Human Health. Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

No. The project is similar to a typical commercial use in regards to any health hazards. There are no unusual substances or uses associated with the project that have the potential to cause a health hazard. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

b. Exposure of people to potential health hazards?

No. The project is similar to a typical commercial use in regards to any health hazards. There are no unusual substances or uses associated with the project that have the potential to cause a health hazard. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

XVIII. Aesthetics. Will the proposal result in:

a. The obstruction of any scenic vista or view open to the public?

No. The project will remodel the existing 56,000-square-foot bowling alley and replace the existing mobile home park with a surface parking lot. The project would not obstruct any vista or view open to the public. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

b. The creation of an aesthetically offensive site open to public view?

No. The project proponents propose to repave the parking area and remodel the existing bowling alley. As a result of the project, the visual character of the site may be improved. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

XVIV. Recreation. Will the proposal result in:

a. Impact upon the quality or quantity of existing recreational opportunities?

Yes. The project will increase recreational opportunities in the City of San Pablo. The revenue generated to the City as a result of the project will provide additional funds that the City can use to improve the existing recreational programs. This is a beneficial impact. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

XX. Cultural Resources. Will the proposal:

a. Result in the alteration of or the destruction of a prehistoric or historic archaeological site?

No. No known prehistoric or historic archaeological sites are present on the project site. Since the site is already developed, construction of the proposed project would not result in any significant excavation or grading of the property that could disturb any subsurface archaeological resource. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

b. Result in adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?

No. The existing structures were constructed after 1950 and are not historically or architecturally significant. The rest of the site is paved and contains no known historic objects. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

- c. **Have the potential to cause a physical change which would affect unique ethnic cultural values?**

No. The proposed project will rehabilitate an existing building and remove existing mobile home and rental units on the site. This physical change would not affect unique cultural values. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

- d. **Restrict existing religious or sacred uses within the potential impact area?**

No. Religious and sacred uses are not located on the site or adjacent to the site. Therefore, no further discussion is required in the *Palace Gaming Casino EIR*.

XXI. Mandatory Findings of Significance.

- a. **Potential to degrade:** Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

No. The site is located in an already urbanized area. Buildings and parking areas exist on the site. No fish and wildlife habitats are at the site or in the immediate vicinity. No endangered plant or animal species exist at the site or in the site vicinity. Rehabilitation of the site as proposed would not degrade the quality of the environment.

- b. **Short-term:** Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

No. The project site is located in an already urbanized area and its development would be consistent with existing land use and planning goals. The overall purpose of the project will be to provide additional recreational opportunities for the City of San Pablo and region, and to provide increased tax revenues to the City and employment opportunities in the City. A primary long-term impact may be the increase in traffic volumes that would result from operation of the project.

- c. **Cumulative:** Does the project have impacts which are individually limited, but cumulative considerable?

Maybe. An increase in traffic may contribute cumulatively to the overall congestion experienced in the San Francisco Bay Area. It may also cumulatively contribute to the regional deterioration in air quality. Therefore, a discussion of cumulative impacts will be included in the *Palace Gaming Casino EIR*.

- d. **Substantial adverse:** Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Maybe. The proposed project may substantially increase noise during construction activities, contribute to the deterioration of air quality, and increase traffic volume within the vicinity of the project. These impacts could indirectly cause substantial adverse effects on human beings. Therefore, a discussion of substantial adverse impacts will be included in the *Palace Gaming Casino EIR*

XXII. Discussion of Environmental Evaluation. An explanation of all answers has been provided in the body of the Environmental Checklist. The environmental evaluation concludes that the project could have potentially significant environmental impacts in the following areas: air quality, plant life, noise, land use, transportation/circulation, fire protection services, and police protection services. A focused EIR will be prepared to evaluate these impacts. As required by CEQA, the EIR will also evaluate the consistency of the project with existing local and regional plans, cumulative impacts, and the growth-inducing impact of the project.

XXIII. Discussion of Land Use Impacts.

Depending on the intensity of use of the proposed gaming casino relative to current uses on the site, the project may not be compatible with surrounding residential and hospital land uses. San Pablo Municipal Ordinance 9.04.040 requires cardrooms to obtain a conditional use permit pursuant to the City's zoning ordinance.

The State Department of Housing and Community Development would be a responsible agency reviewing and permitting the removal of the 38 mobile homes from the Wong property. As noted previously, the bowling alley and its accompanying uses are an existing source of recreational activity on the site. The proposed project would be considered a recreational use that may create a greater intensity of recreational activities on the site. The current hours of operation for the bowling alley is 9 A.M. to 12 A.M.; the proposed gaming casino would be in operation 24 hours a day. The intensity of uses associated with the operation may have affects on the surrounding uses; most notably these issues would include traffic impacts.

8.2 RESPONSES TO THE NOTICE OF PREPARATION



CONTRA COSTA COUNTY LOCAL AGENCY FORMATION COMMISSION

651 Pine Street, Eighth Floor • Martinez, CA 94553-1229

(510) 646-4090 • FAX (510) 646-2240

EXECUTIVE OFFICER
ANNAMARIA PERRELLA

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Gayle Bishop <i>County Supervisor</i>	Dwight Meadows <i>Special Districts</i>
Frances Greene <i>Public Member</i>	Michael Menesini <i>Martinez City Council</i>
David Jameson <i>Special Districts</i>	Jeff Smith <i>County Supervisor</i>
Gayle B. Uilkema <i>Lafayette City Council</i>	

ALTERNATE MEMBERS

Joseph Canciamilla <i>Pittsburg City Council</i>
Martin B. McNair <i>Public Member</i>
Susan McNulty Rainey <i>Special Districts</i>
Tom Torlakson <i>County Supervisor</i>

August 15, 1994

Craig Monroe
Planning Director
City of San Pablo
Community Development Dept.
One Alvarado Square
San Pablo, CA 94806

Re: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL
IMPACT REPORT

Dear Mr. Monroe:

I've reviewed the subject document, and it appears from the project description and Initial Study that LAFCO will have no discretionary approval authority over the project. Therefore, I have no comments to make with regard to the environmental process.

Thank you, though, for including LAFCO on your mail list as an "interested" agency.

Yours truly,

A handwritten signature in cursive script that reads "Annamaria Perrella".

Annamaria Perrella
Executive Officer



August 17, 1994
File: 623

Mr. Craig Monroe
City of San Pablo
Community Development Department
One Alvarado Square
San Pablo, CA 94806

Dear Craig:

Thank you for the opportunity to review your latest Notice of Preparation for the Palace Gaming Casino. The City of Richmond is interested in this project as its location has the potential to impact Richmond Residents.

Staff has reviewed your analysis of environmental impacts and appreciates the clarity and attention to detail provided. We are submitting the following specific comments on items that have potential impact on the City of Richmond.

I. Earth.

d) The destruction, covering or modification of any unique geologic or physical features.

Without the benefit of a proposed site plan or an explanation of the proposed remodeling it is unclear whether there will be any possibility for encroachment on Wildcat Creek. What steps will be taken to protect the area above the creek bank and are there any plans for creek restoration?

III. Water

The initial study points out that there will be no increase in impervious surface at the site. However, there will be a change in the use of impervious surface. The Wong property will have the 38 mobile homes and 4 buildings replaced with parking lots. This could cause an increase in auto born pollutants entering the storm water system, Wildcat Creek, and ultimately the Bay. This potential for increased pollution should be addressed in the EIR.

VII. Light and Glare

a) Produce new light or glare.

The lighting for the parking areas appears to be addressed. However, the building lighting and signage does not. The EIR should review all proposed lighting for the project that has the potential for off-site viewing.

XII. Housing

a) Affect existing housing, or create a demand for additional housing?

The proposed income for the employees should be discussed in relation to the availability of housing for people in that income bracket vice estimated general vacancy rates.

XIII. Transportation/Circulation

c) Substantial impact upon existing public transportation systems?

The casino is scheduled to operate on a twenty-four hour basis. What are the peak hours of customer utilization and how do these correspond with existing public transportation?

XIV. Public Services

a) Police Protection

The Los Angeles County Sheriff's Department study referenced in your previous Notice of Preparation refers to major crimes and points out that they are significantly lower than experienced at the shopping mall. This raises two questions: (1) is the existing police protection adequate to handle the protection required by the addition of a shopping mall and, (2) what will be the increase in neighborhood nuisance crimes such as petty theft, panhandling and prostitution?

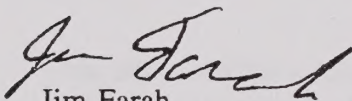
XVIII. Aesthetics.

b) The creation of an aesthetically offensive site open to public view?

As first discussed under lighting, what will be the restrictions on lighting and size of the signage. Your initial study states that the visual character of the site may be improved. Without site elevations, including signage, the aesthetic impact of the cannot be determined.

Once again thank you for the opportunity to review your notice of preparation. While it appears the proposed project may have a significant effect on the environment, you appear to have identified most of the areas where that impact would be realized.

Sincerely,



Jim Farah
Planning Director

cc: Mayor
City Council
Planning Commission
City Attorney
Neighborhood Liason



WEST COUNTY WASTEWATER DISTRICT

A Public Agency

2910 Hilltop Drive
Telephone (510) 222-6700

Richmond, CA 94806-1974
Fax (510) 222-3277

WILLIAM P. BRAGA
GENERAL MANAGER

August 23, 1994

ALFRED A. CABRAL
BOARD ATTORNEY

City of San Pablo (510) 215-3038
Community Development Dept.
Planning Department
One Alvarado Square
San Pablo, Ca 94806
Attn: Craig Monroe, Planning Director

Draft Environmental Impact Report The Palace Gaming Casino 13255 and 13401 -13417 San Pablo Avenue, San Pablo, California

Wastewater facilities under the jurisdiction of the West County Wastewater District are as follows:

- ☐ 1. Not available for this development. Please re-direct inquiry to appropriate agency.
- ☒ 2. Available for the proposed development subject to the following conditions:
 - ☐ a) Property must be annexed to Sanitary District.
(Fee = \$ _____)
 - ☒ b) Plot Plan requires District Approval.
 - ☐ c) Tentative map must be submitted for Board approval. Upon submission, a sewer capacity study will be conducted to determine project's impact upon system.
(Fee = \$ _____)
 - ☒ d) Tentative development plans showing building square footage and daily water consumption (if available) for each building must be submitted for review and approval.
(Fee = \$ _____)
 - ☒ e) Improvement plans require District approval.

City of San Pablo, Comm. Dev. Dept.
Attn: Craig Monroe, Planning Director
August 23, 1994
Page 2

- ☒ X_ f) Sewer mains and appurtenances must be constructed to nearest available existing District facility. (Cost borne by developer)
- ☒ X_ g) Appropriate permit and connection fees to be paid prior to connection to main. (Fee estimate prepared upon submission)
- ☒ X_ h) Easement required. (See comments below)
- ☒ X_ i) WCWD approval is required prior to finalizing permit or prior to granting certificate of occupancy.
- ☒ X_ j) Existing sewer lateral shall be capped off at property line per attached detail. WCWD shall inspect cap-off at time of demolition.

Other Comments:

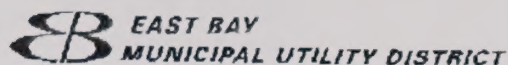
1. A minimum 10' easement with paved access to all manholes shall be granted to the District along all public sewer mains, even in public roadways.
2. Geotechnical review will be required if the developer wants to dedicate the sewer main to the District. (Cost borne by developer)

Very truly yours,

William P. Braga
General Manager

By: Ajay K. Kataria
Ajay K. Kataria
Senior Engineering Technician

WPB/AKK:ilm



JOHN R. LAMPE
DIRECTOR OF WATER PLANNING

September 2, 1994

Mr. Craig Monroe
Planning Director
City of San Pablo
Community Development Department
One Alvarado Square
San Pablo, CA 94806

SUBJECT: Palace Gaming Casino, San Pablo
Notice of Preparation of a Draft Environmental Impact
Report

Dear Mr. Monroe:

Thank you for the opportunity to review the subject environmental document. The District has the following comments regarding water service to the proposed project.

This project may impact the District's finite water supply. To help mitigate the impact of additional water demands, the District recommends that water conservation measures be required as a standard feature in the design and construction of the proposed project. The District encourages the use of equipment, devices, and methodology for plumbing fixtures and irrigation that furthers water conservation and will provide for long-term, efficient water use. The District also encourages the selection of drought resistant plants, use on inert materials, and minimal use of turf areas.

The subject property currently has water service. A main extension, at the project sponsor's expense, may be required depending on the fire flow requirements set by the Contra Costa County Fire Protection District. Off-site pipeline improvements, also at the project sponsor's expense, may be required to meet the fire flow requirements. The location, extent, and cost of these pipeline improvements will be determined when the project sponsor requests water service to the project site. When the project plans are finalized, the project sponsor should request a water service estimate to determine costs and conditions of providing water service to the proposed project from the District's New Business Office. Engineering and installation of water mains often requires substantial lead time which should be provided for in the project sponsor's development schedule.

375 ELEVENTH STREET, OAKLAND, CA 94607-4240, (510) 806-2000

P.O. BOX 24055, OAKLAND, CA 94623-1055

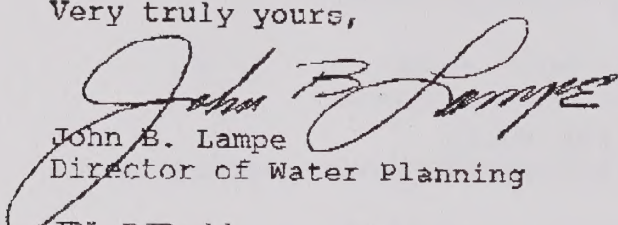
BOARD OF DIRECTORS: KATHERINE MCKENNEY, STUART FLASHMAN, ANDREW COHEN

JOHN A. COLEMAN, JOHN M. GROSA, NANCY J. NADEL, KENNETH H. SILVERSONS

Mr. Craig Monroe
September 2, 1994
Page 2

If you have any questions, or if the District can be of further assistance, please contact Prab M. Jog, Senior Civil Engineer, Water Service Planning, at (510) 287-1026.

Very truly yours,



John B. Lampe
Director of Water Planning

JBL:DJR:dd
9432.wp6pj

AC Transit

Alameda-Contra Costa Transit District

1600 Franklin Street, Oakland, California 94612 ☐ (510) 891-4777

September 7, 1994

Mr. Craig Monroe
Planning Director
City of San Pablo Community Development
One Alvarado Square
San Pablo, CA 94806

Subject: Comments on Notice of Preparation for Palace Gaming Casino Environmental Impact Report.

Dear Mr. Monroe:

Thank you for the opportunity to respond to the Notice of Preparation for the Palace Gaming Casino Environmental Impact Report. District staff has reviewed the initial study and has the following comments which should be addressed in the project EIR:

- **Transit Access:** The proposed project is located on San Pablo Avenue at San Pablo Dam Road. The site is principally served by Line 72 and 72L. This line operates at 10-15-30 minute headways from 5:30 A.M. to 10:30 P.M. Passenger load factors vary depending on the time of day. Midday and late afternoon trips are heavy.

The project is also served by line 70 which operates during the A.M. and P.M. peak hour and by lines LA-LB-LC which connect West County with the San Francisco Transbay Terminal. These lines also operate A.M. and P.M. peak hour.

The District requests a site plan which (1) minimizes travel distances for transit patrons, (2) locates on-site parking within the site, and (3) increases transit-strengthening pedestrian activity.

It should also be noted that the San Pablo transit corridor has been examined in the District as part of the Alternative Modes Analysis (AMA). The District is evaluating the possible conversion of this transit corridor to an alternative transit mode (e.g., light-rail, electric trolley buses) to improve air quality, increase transit capacity and quality traffic congestion in the corridor. (The District will provide a copy of the AMA to assist in the development of a project site plan).

- **Shuttle bus service:** Recently, several cities, counties, and school districts within the Bay Area have directed project development funds to implement private shuttle bus service as a traffic and circulation mitigation measure. These shuttle buses transport employees and/or patrons between the project site and multi-modal stations (BART, Park-and-Ride Lots, etc.).

The District does not support the initiation of shuttle services as a remedy to traffic congestion caused by development. First, the District believes that existing and proposed transit service, as described in the AMA, will adequately serve the project site. Moreover, the implementation of these shuttle services tends to (1) further balkanize an already bifurcated transportation system, (2) confuse public transit patrons, and (3) foster a negative attitude by excluding the general public.

The municipality and the project sponsor need to coordinate development plans with existing transit in the area rather than develop and install shuttle services. It would be more beneficial to use the developer fees to improve existing transit services or to fund additional transit services that are not included in any programmed expansions for AC Transit.

The District is willing to assist local Transportation Management Agencies (TMAs) and project developers in the proposed expansion of existing transit services to serve the project area. The District believes that if developer and TMA fees can be used to pay for traffic improvements, then these fees can also be applied to increase transit services.

- **On-site parking supply:** The Bay Area Clean Air Plan (CAP) has recently introduced standards and requirements to improve the air quality and reduce traffic congestion in the Bay Area, including limitations on parking in City General Plans. The District believes that responsible municipalities should modify parking rates to meet these standards and requirements and the proposed parking plan should be no more than what is required by code because of the availability of public transit service to the project site. Moreover, the District supports a reduction in the supply of on-site parking spaces that will mitigate local traffic congestion and facilitate reliance on existing transit service.
- **Transit trip generation:** The project site has the capability to promote high transit use due to the designated land uses in the project development plan. This potential in transit ridership is dependent on (1) a project design plan that complements and encourages transit use and (2) a parking program that restricts free employee (and patron) parking.
- **Traffic control devices and bus stops:** Design plans for any planned traffic control devices and bus stops should be submitted to the District for review. The plans will be evaluated to (1) determine if the devices and/or bus stops are warranted and (2) identify any potential impacts on any existing and planned transit service in the project area.

NOP for the Palace Gaming Casino EIR

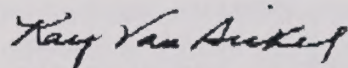
September 7, 1994

Page 3

- **Regional coordination:** As stated previously, the District has conducted the AMA to comply with CAP and other congestion relief mandates. The District, itself, will not be able to fully meet these mandates. Cooperation and coordination with local governments is needed to ensure that the region achieves compliance with these regulations.

The District anticipates that the transit needs and concerns described in this letter will be addressed in the Project EIR. If you have any questions or comments, please contact Maurice McCarthy, Associate Transportation Planner, at (510) 891-4792.

Sincerely,



Kay Van Sickel
Assistant General Manager
Service Development and Marketing

cc: Sharon Banks, General Manager
Dave Weikel
Maurice McCarthy

ref:A:PCasino.eir.com.wp/09/07/94/33

EAST BAY REGIONAL PARK DISTRICT

1934

September 7, 1994

1994

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Douglas Biden
Secretary

Susan Simant
Treasurer

John O'Donoghue

Oliver Holmes

John Sin

Pat O'Brien
General Manager

Mr. Craig Monroe
Community Development Dept.
City of San Pablo
One Alvarado Square
San Pablo, CA 94806

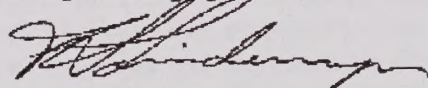
SUBJECT: EIR FOR THE PALACE GAMING CASINO

Dear Mr. Monroe:

The East Bay Regional Park District (EBRPD) has reviewed the Notice of Preparation and Initial Study for the subject document. The district requests the document specifically address whether the project would substantially inhibit or preclude future development of the planned regional trail along Wildcat Creek.

The contact person for this EIR is the undersigned who may be reached at 635-0138, extension 2622.

Very truly yours,



T.H. Lindenmeyer
Environmental Specialist

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September 8, 1994

Craig Monroe, Planning Division Manager
City of San Pablo Community Development Department
One Alvarado Square
San Pablo, CA 94806

Re: The Palace Gaming Casino
Initial Study and Checklist

Dear Mr. Monroe:

The North and East Richmond Neighborhood Council in Richmond, CA has received a copy of the Initial Study and Checklist for the proposed Palace Gaming Casino dated August 10, 1994. The proposed development is to occur at the existing Lucky Lanes Bowling Alley at 1325 San Pablo Avenue in San Pablo, CA. The proposed site borders directly with the boundaries of the North and East Neighborhood Council. We received a copy of the above-referenced document during the public hearing held on August 24, 1994.

During that hearing, representatives from the North and East Neighborhood Council as well as other members of the community expressed concerns with the proposed development.

We feel that the present project as planned would have a significant impact on the loss of low-income housing, traffic, noise, pollution, deterioration of the quality of life, increase in crime, loss of cultural and historical resources, wildlife and endangered species habitat, potential effects on the restored Wildcat Creek, loss of recreational opportunities for the young and potential degradation of the cultural and ethnic values of our community and neighborhoods.

The Initial Study does not evaluate the impact of the proposed 100-table card room on our community. Since there have been no legalized card rooms in San Pablo since the 1950's, this development which is being marketed as the largest card room in Northern California would represent a major impact on our community. The Initial Study does not seem to have identified most of these issues as having a potentially significant impact. We feel that the above-referenced document should include detailed analysis of each of these items.

Furthermore, the Initial Study does not describe a range of reasonable alternatives to the proposed project or to its location that could feasibly attain the project's basic objectives or the comparative merits of each alternative. We feel that the following alternatives should be evaluated as part of the environmental review process. They are as follows:

Letter to Craig Monroe, Page 2

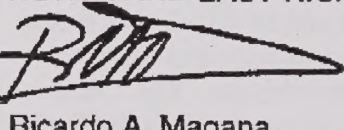
- Study alternative sites completely within the San Pablo city limits without sharing borders with the City of Richmond or adjacent municipalities.
- Consider alternatives to 24 hour per day, 7 days per week, 365 days per year operation.
- Consider alternatives to the proposed 912 parking spaces. This represents a significant increase over the existing 315 spaces.
- Consider alternatives to on-site parking including the use of public transit, shuttle services to BART and train stations, and shared parking with adjacent facilities and businesses such as Brookside Hospital, Town Center, K-Mart and Princeton Plaza shopping centers.
- Consider alternatives that would maintain the existing low-cost housing at the trailer park.
- Consider alternatives to on-grade parking such as parking structures.
- Consider alternatives that would provide recreational opportunities to all age groups.
- Consider alternatives to the proposed surface parking layout, ingress, egress, service drives, lighting, landscaping, berms, signage and other visual screening devices.
- Consider alternatives that would include areas for community gatherings such as meeting rooms.
- Consider alternatives to the proposed 100-table card room. The alternatives should include an evaluation of the potential risks and rewards of each.

In addition, we have summarized additional comments to the Initial Study and Checklist in the same order they were presented. See attached Exhibit A.

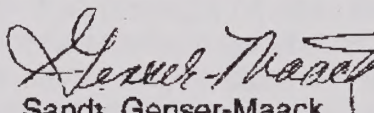
Please let us know whether you have any comments or questions or whether you need further clarification. We would like to be notified when you have additional hearings and are prepared to participate in the preparation of the draft Environmental Impact Report.

Respectfully yours,

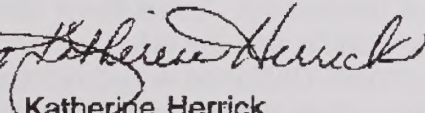
NORTH AND EAST RICHMOND NEIGHBORHOOD COUNCIL



Ricardo A. Magana
President



Sandra Genser-Maack
Treasurer



Katherine Herrick
Co-Secretary

Letter to Craig Monroe, Page 3

cc: Shirley Whysinger, Mayor of San Pablo
William Landsdowne, Richmond Chief of Police
Floyd Johnson, Richmond City Manager
George Schmidt, Richmond Neighborhood Coordinating Council
Tom Bates, Assembly Member
John M. Gioia, East Bay Municipal Utility District
Bob Sullivan, Chairman, El Sobrante Valley Planning and Zoning Advisory
Committee
Editor, West County Times
Jim Beaver, Brookside Hospital
Principal, Salesian High School
Saint Paul Catholic Church
Irma Anderson, Richmond City Council
D. Chris Campbell, Richmond Crime Prevention Program
Peter Cleveland, North & East Richmond Neighborhood Council
Rosemary Corbin Richmond Mayor
Richard Griffin, Richmond Council
Joy Jennings, East Richmond Neighborhood Council
Officer Larry Lewis, Richmond Police Department
John Marquez, Richmond City Council
Judy Morgan, Richmond Chamber of Commerce
Lavonne Niccolls, Richmond City Council
Donna Powers, Richmond City Council
Jim Rogers, Richmond City Council
Lt. Doug Seiberling, Richmond Police Department
Bob Sutcliffe, East Richmond Neighborhood Council
Lonnie Washington, Richmond City Council
Don Watts, North & East Richmond Neighborhood Council

Exhibit A, Page 1

Exhibit A

Response to the Initial Study and Checklist for the proposed Palace Gaming Casino.

Note: Section and paragraph numbers correspond to the Initial Study and Checklist.

I. Earth

c. We believe there will be adverse impacts and that this issue should be more fully addressed. Any cutting and fill activity to level the parking lot will result in excavation. While some lighting exists for part of the proposed parking lots, additional lighting will result in trenching for electrical conduit and light standards. This requires additional study.

e. Excavation for any drainage systems changes might require subsurface excavations. This might reveal previously unknown archaeological remains. Will a regional Water Control Board permit be required to discharge increased parking lot runoff into Wildcat Creek? This requires additional study.

f. The proposed additional parking area will increase surface runoff and potential discharge into Wildcat Creek. This impact must be studied.

g. Evaluate the potential risk due to a major structural collapse on services such as fire, ambulance, hospital and police services.

II. Air

a.1. Cold starts of autos in the parking lot will have adverse effects on the health of nearby residents, children and families as well as the sick and elderly in nearby convalescent homes and hospitals. This requires additional study.

a.2. This area has one of the highest concentrations of pollutants in the atmosphere. The increased traffic will negatively impact the residents of the area. This impact must be studied.

a.3. The proposed surface parking, grading, excavation and landscaping would create dust and negatively impact the sick and elderly in nearby convalescent homes or hospitals. This requires further study.

III. Water

b. By changing the use of the paved area from a bowling alley parking lot and a trailer park to a 912-unit parking lot for a 24-hour facility, the composition, quality and quantity of the runoff from the parking lot to the creek will be greatly changed. This requires additional study.

e. Again, the change in the nature of the use of the parking lot will alter runoff into a freshwater creek. This issue must be further addressed. Will increased gasoline and oil runoff require a regional Water Control Board permit?

f. The proposed additional surface parking will increase and change the rate of flow of ground water. This requires additional study.

Exhibit A, Page 2

V. Animal Life

d. Increased CO2 levels in the air and gasoline and oil running off into the waters of Wildcat Creek will have an adverse effect on fish, animals, and plants. This issue must be more fully addressed.

VI. Noise

a.&b. The proposed project is a 24-hour facility. The bowling alley is open during normal working hours and the trailer park is a residential facility. As hard-working, tax-paying citizens of the neighboring residential community, we find the 76 decible noise level unacceptable for 24 hours a day. We are concerned that the elevated noise of a 24-hour facility and a 912-unit parking lot will adversely impact the residential quality of our neighborhood. In addition, we are concerned about the cumulative effect of traffic noise in our community. This requires further study.

VII. Light and Glare

a. The proposed project will increase the parking lot from a 315-unit to 912-unit lot. The use of the property will change from a bowling alley and residential trailer park to a 24-hour gaming facility. Additional lighting will be required for safety and security. Downward--oriented high efficiency lighting will still produce more reflected glare. Currently, the deciduous plantings along the west and south boundary are an inadequate screen in the winter months.

XII. Housing

a. This issue warrants further discussion. If this relocation will disproportionately affect any segment of the population, including the disabled and elderly, the issue must be addressed.

XIII. Transportation/Circulation

d. The proposed project will result in increased traffic congestion. The San Pablo Dam Road/San Pablo Avenue intersection currently has one of the lowest levels of service in the county. The I-80 interchange at San Pablo Dam road is already the most congested in West Contra Costa County. The proposed 24-hour facility will only add to the existing problems. This requires additional study.

f. The introduction of the proposed facility will add to the current traffic hazards to vehicles, bicyclists and pedestrians. The effects on working people who use the commute-hour San Francisco buses must be studied. The increase in vehicular traffic and intoxicated drivers will adversely affect children and families in the neighboring communities. Taxpayers, including working parents living in the adjacent neighborhood, who use the San Pablo commute corridor to get to their jobs will have even longer commute times. Furthermore, off-commute-hour traffic will become heavier. These issues must be further addressed.

XIV. Public Service

What will be the maximum capacity of the proposed facility, including patrons, employees and service personnel?

Exhibit A, Page 3**XV. Energy**

a. Changing the use of the site from a bowling alley and residential trailer park to a 24-hour gaming facility of 100 card tables will require greater use of energy and fuel. Any changes in the number and location of services will result in subsurface alterations. These issues must be addressed.

XVI. Utilities and Service Systems

Services provided for a bowling alley and residential trailer park will be inadequate for a 24-hour gaming facility and a 912-unit parking lot. Any changes will result in subsurface excavations. This issue must be addressed.

XX. Cultural Resources

a. Should any subsurface excavation for leveling, utilities, drainage, light standards or any other construction activity occur, the destruction of subsurface archaeological remains could result. The bowling alley was constructed in the 1950's before enactment of the current CEQA and NEPA environmental laws. Therefore, no archaeological survey was conducted prior to its construction, and it is not known whether prehistoric or historic remains lie under the parking lot. Because the parcel is adjacent to Wildcat Creek, a freshwater source, buried prehistoric and historic remains could be present under the protecting cap of the parking lot. We request that this issue be addressed.

c. What are the cultural and ethnic values of the residents who are going to be displaced from the trailer park? This issue needs to be addressed.

XXI. Mandatory Findings of Significance

a. Wildcat Creek is a fish and wildlife habitat. The proposed change in the use of this site will affect the air, water and habitat of any species that live there. This issue needs to be addressed.

8.3 ORDINANCE 94-001

ORDINANCE NO. 94-001

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE ESTABLISHMENT AND OPERATION OF GAMING CLUBS IN THE CITY OF SAN PABLO, AND AMENDING THE ZONING CODE TO ALLOW GAMING CLUBS IN THE C-1 ZONE SUBJECT TO A USE PERMIT.

The People of the City of San Pablo do hereby ordain as follows:

SECTION 1. Title 9, Chapter 4 of the San Pablo Municipal Code is hereby repealed.

SECTION 2. Title 9, Chapter 4 of the San Pablo Municipal Code is hereby adopted to read as follows:

- 9.04.010 Findings and Purpose
- 9.04.020 Definitions
- 9.04.030 No Vested Right
- 9.04.040 Licenses: Required
- 9.04.050 Limitation on Number of Licenses
- 9.04.055 Multiple Applications
- 9.04.060 Licenses: Applications
- 9.04.070 Application Fee
- 9.04.080 Business License Taxes
- 9.04.090 Licenses: Conditions
- 9.04.100 Investigations and Reports
- 9.04.110 Granting and Denying of Application
- 9.04.120 Grounds for Denial of Application
- 9.04.125 License Amendment
- 9.04.130 Licenses: Suspension and Revocation
- 9.04.140 Suspension and Revocation: Procedure
- 9.04.150 Employee Work Permits
- 9.04.160 Work Permits: Suspension and Revocation
- 9.04.170 Transfer and Assignment of Licenses
- 9.04.180 Pointholders: Applications for Sale or Transfer of Points
- 9.04.190 Pointholder Investigation Required
- 9.04.200 Pointholder License Fees
- 9.04.210 Pointholder Granting or Denying of Application
- 9.04.220 Pointholder Investigations: Updating
- 9.04.230 Application of Provisions to Continuing Pointholders
- 9.04.240 Pointholder Divestment
- 9.04.250 Corporate Pointholders
- 9.04.260 Pointholder Death
- 9.04.270 Rules and Regulations
- 9.04.280 Alcoholic Beverages
- 9.04.290 Record Keeping and Audits
- 9.04.300 Loans
- 9.04.310 Cheating Definitions
- 9.04.320 Cheating Techniques Generally

- 9.04.330 Management Cooperation with Surveillance Personnel
- 9.04.340 Dealing Other Than Top Card
- 9.04.350 Stacked Deck
- 9.04.360 Concealed Cards
- 9.04.370 False Cut
- 9.04.380 Marked Cards
- 9.04.390 Mechanical Devices
- 9.04.400 Aiding and Abetting
- 9.04.410 Police Department's Responsibility
- 9.04.420 Removal of Persons From Gaming Club Premises
- 9.04.430 Exclusion of Undesirable Persons
- 9.04.440 Notice and Order of Exclusion
- 9.04.450 Exclusion Hearing
- 9.04.460 Enforcement of Order--Civil Remedy
- 9.04.470 Indemnification
- 9.04.480 Architectural and Sign Control
- 9.04.490 Campaign Contributions
- 9.04.500 Unlawful Interests
- 9.04.510 Violations
- 9.04.520 Non-severability With Respect to Taxes and Fees;
Severability with Respect to Remaining Provisions
- 9.04.530 Limitations of Actions

9.04.010 FINDINGS AND PURPOSE

The operation of gaming clubs within the State of California in strict compliance with its gaming laws has been demonstrated to be a successful means of generating revenues for local governments. It is found and determined that, with the City's present population, one gaming club, in which only those games permitted under the laws of California are played, if authorized by the City Council, shall be allowed in the City of San Pablo for the purpose of creating new jobs and new revenue for the San Pablo community.

It is found that the public health, safety and welfare require the establishment of regulations pursuant to, and in conformity with, the State Gaming Registration Act. The City finds it necessary to regulate, among other things:

- (a) The persons who will own, operate or be employed in gaming clubs.
- (b) The number and size of gaming clubs in the City.
- (c) The operation of gaming clubs in the City.
- (d) The issuance of permits and licenses, including limitations on transfer and assignment, for gaming clubs.

9.04.020 DEFINITIONS

For the purposes of this chapter, the words and phrases hereinafter set forth shall have the following meanings ascribed to them unless the context clearly requires to the contrary:

(a) "Applicant" shall mean any person or entity filing an application with the City seeking a gaming club license, permission to transfer pointholder interest, or a work permit.

(b) "Beneficial Interest" shall mean that interest in a gaming club held by the beneficiaries of a trust which, as part of the corpus thereof, hold a financial interest in such gaming club.

(c) "Gaming Club" shall mean a business or enterprise licensed under the provisions of this chapter for the playing of gambling games permitted under the laws of the State of California, provided such games are approved by license, ordinance or resolution of the City Council.

(d) "Card Games" shall mean any games played with cards or other devices for money, checks, credits or any other thing of value, which are permitted under the laws of the State of California, provided such games are approved by ordinance or resolution adopted by the City Council.

(e) "Cardroom" shall mean and include that area or areas within the gaming club in which card games are conducted. Any license issued hereunder shall designate such card room areas.

(f) "Card Table" or "Table" shall mean any table or any other surface upon which any card game is played. A table shall commonly accommodate no fewer than four (4) players.

(g) "Commence" shall mean and include commence, begin, initiate, start, open and establish.

(h) "Conduct" shall mean and include conduct, transact, maintain, prosecute, practice, manage, permit, allow, suffer, operate and carry on.

(i) "Employee" shall mean any person employed by a licensee, with or without compensation, in a gaming club, and either participates as a dealer in a card game or is in charge of the operation and is required to supervise card tables, or is a proposition player or an agent of the licensee. Anyone who is required to routinely enter into the card playing area during the course of their duties is considered an employee. The term employee includes independent contractors and all security personnel, but does not include a bartender, kitchen worker or any other person not connected with the card room operation.

(j) "Financial Interest" means any direct or indirect interest in the management, operation, ownership, profits or revenue (gross or net) of a gaming club. A "Direct Financial Interest" means a monetary investment in a gaming club and/or the premises and business enterprises directly related to it. An "Indirect Financial Interest" means owning one percent (1%) or more of an entity, i.e., any business, corporation, joint venture, partnership or trust that in turn has a Direct Financial Interest in a gaming club. Provided, however, that if the State of California allows publicly-owned corporations to own gaming clubs, only those shareholders required by the State to register shall be deemed to have a "financial interest" under this ordinance.

(k) "Gross Revenue" shall mean and include the total amounts received or receivable for seat rental fees, admission fees, tournament fees, table revenues, and any and all other revenues derived from gaming activities conducted on or within the premises, except for revenue received from the sale of food or beverage through restaurant, bar or similar operations, or facility rentals, parking or merchandise sales.

(l) "License" shall mean a license or permit for the playing of only those games permitted under the laws of the State of California and by City Council ordinance or resolution.

(m) "Manager" shall mean any agent or employee of a licensee whose duties include, but may not be limited to one or more of the following: (1) The making or changing of policy; (2) Hiring or firing employees; (3) Generally exercising independent judgment in the operation of the gaming club. A Manager need not have a financial interest in the licensee.

(n) "Owner" shall mean every person, firm, association, partnership, corporation, joint venture or other entity having any interest, legal or equitable, in any gaming club or gaming club license.

(o) "Person" shall mean and include a natural person, firm, association, partner, corporation, joint venture or any other legal entity which owns, operates, or proposes to operate a gaming club in the city.

(p) "Pointholder" shall mean any person, beneficiary of a trust, or any legal entity having any financial or beneficial interest in the ownership, division of profits, or revenue of a gaming club, whether legal or equitable, including all stockholders of any entity having a financial or beneficial interest in such license.

(q) "Proposition Player" shall mean an employee engaged, or paid by the licensee for the purpose of starting and/or maintaining a sufficient number of players in a card game.

Proposition players shall play with their own money.

(r) "Purport to commence" and "Purport to conduct" shall mean and include any showing, representation, indication or action which:

(1) By means of sign, advertisement, or advertising matter, whether in, upon or about any premises or otherwise; or

(2) By the appearance or arrangement of any premises; or

(3) By acts or statements of any person, or by the agents, servants, or employees of any person, indicates, suggests, holds out, or represents that any person is, would be, or appears to be conducting or in a position to conduct any business referred to in this chapter within the City.

9.04.030 NO VESTED RIGHT

This chapter does not create any vested or other property right of any kind in any licensee, pointholder, employee, person or entity. The City reserves the right and power to, at any time, amend or modify the provisions of this chapter, and to otherwise regulate or prohibit any privilege exercised hereunder. This reservation includes but is not limited to the right of the City to enact or amend rules and regulations, and to amend, from time to time, a license issued pursuant to the terms of this chapter, by resolution of the City Council. The issuance of any such license shall not be deemed a waiver by the City of such right or power to amend such license or the provisions of this chapter.

9.04.040 LICENSES: REQUIRED

(a) It shall be unlawful for any person to commence or conduct, or purport to commence or purport to conduct, within the City any business, activity, enterprise or undertaking, wherein tables or other items or units of furniture are used directly or indirectly for playing cards or card games and for the use of which a fee, commission, or compensation is directly or indirectly charged, accepted, or received from players or participants in any such playing of games until such person shall have first obtained a license to do so in accordance with the provisions of this chapter, and a conditional use permit pursuant to the City's zoning ordinance. This chapter regulates the owners of the gaming club, and not the land upon which it is located. Under no circumstances shall any conditions attached to any such license be construed to turn such license into a conditional use permit whose transfer may not be restricted by the City. It is unlawful for any person to bet at, or against, any card game except as allowed by this

chapter.

(b) No application for a license for the conduct of any game and/or business under this chapter shall be received, filed or processed by the City Manager, nor shall a public hearing on the same be conducted:

(1) When the application would result in the number of current and valid licenses for gaming clubs in the City, when added together, exceeding the total number provided in Section 9.04.050 of this chapter; or

(2) When the application contemplates less than thirty (30) licensed tables or units, or an aggregate size or area under one roof of less than 30,000 square feet; or

(3) During the term of any exclusive application agreement between the City and any other applicant.

(c) The City Council may regulate the terms and conditions for operation of a gaming club, including but not limited to permissible hours of operation of such gaming clubs, the games to be played, and wagering limits, through resolution or the imposition of conditions of approval attached to the issuance of a license under this chapter, or to the issuance of a use permit as may otherwise be required under this Code; provided, however, that in no case shall individual bets higher than \$300.00 be allowed other than in authorized tournaments.

(d) For the purposes of this chapter, any license issued by the City shall be deemed current and valid, and shall remain in full force and effect: (1) during processing of registration applications with the Attorney General; (2) during the time any other approvals necessary for development or operation of the gaming club, whether issued by the City or another government entity, are being diligently sought by licensee; (3) during the time any challenge is being pursued against the City's issuance of the license or against any other approval granted by the City or another government entity.

9.04.050 LIMITATION ON NUMBER OF LICENSES

Except as otherwise may be required by law, the number of current licenses for gaming clubs in the City which may be authorized and outstanding, when added together, shall not at any time exceed the following limits:

Population of CityMaximum Number Authorized

0 - 40,000
40,001 - 60,000
60,001 - 80,000

One
Two
Three

9.04.055 MULTIPLE APPLICATIONS

In the event that there are less gaming licenses available than there are applications, the license shall be granted to the qualified applicant whom the City Council, in its sole discretion, determines best meets the following criteria:

(a) Least disruptive location to the residents of the City of San Pablo;

(b) Greatest likelihood of faster processing of application, as indicated by time of submittal of application;

(c) Best program for policing the operation;

(d) Greatest income potential for the City of San Pablo;

(e) Best potential for quality operation; and

(f) Any other considerations that will protect the public interest.

9.04.060 LICENSES: APPLICATIONS

Any person proposing to commence or conduct a gaming club shall file an application with the City Clerk and City Manager, supply the information and pay the fees as provided herein. Each such application shall be verified and made under penalty of perjury. Each application shall set forth, in addition to such other information as the City Manager may require, the following information:

(a) The date of the application.

(b) The true name of the applicant.

(c) The status of the applicant as being an individual, firm, association, co-partnership, joint venture, corporation, or other entity.

(d) If the applicant is an individual, the residence and business address of such applicant, and his or her social security

number and driver's license number.

(e) If the applicant is other than an individual, the name, residence, and business address of each of the co-partners or members of the firm, co-partnership, trustor, trustee or joint venture and the name, residence and business addresses of each of the officers and directors of the association or corporation applicant.

(1) The name of any corporation applicant shall be set forth exactly as shown in its articles of incorporation charter, together with the state and date of incorporation, any identification numbers or other identifying designations, and the names and addresses of all officers, directors and shareholders of the corporation.

(2) An application submitted by a partnership shall identify each of the partners, including limited partners. A license issued to a partnership shall be issued in the name of all the general partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporation applicants shall apply.

(f) The names and addresses of all proposed managers.

(g) A description of the building and the proposed location of the business for which the license is sought.

(h) The games proposed to be played shall be designated and described in detail.

(i) The maximum and minimum number of tables or other units to be placed, employed, or used for the playing of card games.

(j) A copy of the proposed house rules for players.

(k) A description of any other business conducted or proposed to be conducted at the same location.

(l) A complete description and layout of all security measures and plans proposed for the gaming club (both physical and operational), which shall be a confidential document and not open to public inspection.

(m) A complete description of all plans, both physical and operational, for the handling of money, including but not limited to provisions, if applicable, for: (1) Purchase of chips and protection against counterfeit chips; (2) Procedures for bringing money to or removing money from the premises.

(n) An independent evaluation of the internal accounting and administrative control system proposed. The City shall have the right to review and approve the accounting procedures of each licensee before such accounting procedures can be put into effect.

(o) An authorization for City to obtain any available criminal offender record information relating to applicant, and a further authorization for the updating of such information on an annual basis if a license is granted.

(p) A statement that such building will conform to all the laws of the State and the City for uses of the nature proposed.

(q) A statement that the applicant understands and agrees that any business or activity conducted or operated under any license issued under such application shall be operated in full conformity with all the laws of the State of California, ordinances and regulations of the City of San Pablo and that any violation of any such laws, ordinances, or regulations in such place of business, or in connection therewith, shall render any such license subject to suspension and revocation.

(r) A statement that the applicant has read the provisions of this chapter and particularly the provisions of this section and understands the same.

(s) A full and complete financial statement of the applicant, whether it is an individual, corporation, partnership or other entity, and a full and complete financial statement of each person to be a partner of the applicant, regardless of whether the partner is to be a limited partner or general partner, and a full and complete financial statement of each officer and/or director of the corporation or other entity. Any information obtained pursuant to the provisions of this section or any statement filed by the licensee shall be deemed confidential and shall not be subject to public inspection except in connection with the enforcement or administration of the provisions of this chapter, or as may be required by the California Public Records Act.

(t) A statement that the licensee shall make the premises and gaming club records available for inspection to the Chief of Police, Finance Director or designated representatives thereof, at any time and without first obtaining a search warrant.

(u) A statement that the applicant understands that the application shall be considered by the City Council only after a full investigation and report has been made by the City Manager and/or designees, and that any approval will be conditioned upon the owner obtaining registration under the Gaming Registration Act prior to commencing gaming club operations. No license shall become effective or operative in any manner until and unless the applicant and all pinholders hold a valid registration issued by

the Attorney General.

(v) A statement containing the indemnity provisions set forth in Sections 9.04.090 and 9.04.470 of this chapter.

(w) A statement that the applicant understands and consents to the inclusion of any criminal convictions or arrests in any report to the City Council that the Chief of Police deems relevant and necessary concerning any person named in the application, together with a signed authorization by applicant and all pointholders authorizing release of information to the San Pablo Police Department.

(x) Such other information as may be required by the City.

An applicant accepts all risks of adverse public notice, publicity, embarrassment, criticism, financial loss, or all other actions and consequences which may result from activities with respect to reviewing, processing, approving or disapproving any application, and a waiver of any claims for damages against the City or its agents resulting therefrom shall be presumed upon the filing of an application.

9.04.070 APPLICATION FEE

Each application for any license shall be accompanied by an application fee of Five Thousand Dollars (\$5,000) which shall be retained by the City for the payment of the costs of investigation, processing of the application, and public hearing and notice costs, and which shall be non-refundable. The amount of such fee may be increased or decreased from time to time as may be necessary by City Council resolution. If such fee is insufficient to cover reasonable investigatory costs, the City may charge and applicant shall pay an additional amount sufficient to cover the cost of investigation.

9.04.080 BUSINESS LICENSE TAXES

(a) Imposition of Business License Taxes. It shall be unlawful for any person issued a license pursuant to this chapter to operate a gaming club without paying the business license taxes hereinafter prescribed. The business license taxes imposed herein are intended for revenue only and are not regulatory fees for the cost of administering the provisions of this chapter. They shall be general taxes deposited in the City's general fund.

The license tax shall be paid monthly to the City. Payment for any calendar month shall be made on or before the tenth (10th) day of the succeeding calendar month. The sum of \$22,500 shall be paid to the City when the license is issued, which sum shall be

applied against the monthly license tax due for the first month of operation. This advance payment shall be the absolute property of the City and shall not be refunded or prorated for any reason.

(b) Business License Tax: Amount.

(1) During the first twelve (12) months of operation, licensee shall pay to the City a monthly business license tax as follows:

<u>Total Monthly Gross Revenue</u>	<u>Monthly Tax</u>
First \$ 0 to \$1,000,000	10.0% plus \$7,500
Next \$1,000,001 to \$2,000,000	12.5%
Over \$2,000,000	15.0%

Following the first twelve (12) months of operation, the same tax rate shall apply; provided, however, that regardless of the total monthly gross revenue, the minimum monthly tax shall be at least \$91,500.

(2) Should any tournament be held, ten percent (10%) of the total entry fees shall be included in addition to the total monthly tax specified above.

(3) For any non-gaming business operations on the premises, including but not limited to food and beverage service or rental of facilities, licensee shall pay to City a monthly business license tax as set forth in Section 5.04.220, as it may be adjusted or amended, for fixed places of business, or as set forth in any more applicable section, as determined by the Finance Director. All procedures set forth in Title 5 Chapter 4 of the San Pablo Municipal Code relating to business licenses shall be applicable to such non-gaming operations.

(c) Statement of Revenue. Each licensee shall file with the City before the tenth (10th) day of each calendar month a reporting form approved by the City Manager, under penalty of perjury, showing the true and correct amount of gross revenue derived from the gaming club for the preceding calendar month. Such statement shall be accompanied by the payment of the correct amount of taxes due and owing in accordance with the provisions of subsection (b) of this section. Such sums correctly reflecting the monthly fees payable for the preceding month shall be accepted by the City; subject, however, to the future right of the City to audit the matters referred to in any such statement and to determine the correctness of the figures and the amounts payable to the City pursuant to the provisions of subsection (b).

(d) Audit of Reports.

(1) Licensee shall arrange for a certified public accountant approved by the City Manager to audit the books, documents, records and accounts relating to the gross revenues of the licensee at the end of the licensee's fiscal year. The report of such accountant and all work papers utilized in the preparation of such audit shall be submitted to the City Manager. The City Manager, or his designee, shall review the report and work papers and may require any further information from the licensee. The City Manager may submit such documents and information to a certified public accountant for review.

(2) In addition to the audit required above, the books, records, and accounts of any gaming club may be audited by the City at any time. Upon request of the auditor, licensee shall provide to the auditor copies of licensee's state and federal income tax returns, which shall be kept confidential and shall not be disclosed other than as necessary to carry out the purposes of this section. In the event a City conducted audit discloses an underpayment in excess of 2% in any one month, the full cost of the audit shall be borne by the licensee. Any information obtained pursuant to the provisions of this section or any statement filed by the licensee shall be deemed confidential and shall not be subject to public inspection except in connection with the enforcement or administration of the provisions of this chapter, or as may be required by the California Public Records Act.

(e) Refusal to File, Pay Fees or Taxes or Permit Inspection of Records. Any failure or refusal of such licensee to timely make and file any required statements, or to pay such fees or taxes when the same are due and payable in accordance with the provisions of this chapter, or to permit inspections of such books, records, and accounts of such licensee, shall constitute full and sufficient grounds to revoke or suspend the license.

(f) Delinquent Business License Taxes: Penalties; Interest. Penalties for late payment shall be assessed in accordance with Section 5.04.210 of this Code.

(g) Business License Tax a Debt: Attorneys' Fees. The amount of any business license tax, penalties and interest imposed by the provisions of this chapter shall be deemed a civil debt to the city. The city may pursue any legal remedies for the collection of any delinquent business license tax, penalties, interest and all administrative costs incurred in connection therewith, including attorneys' fees.

(h) Business License Taxes Not Refundable. In the event of the cessation of business by a licensee, whether voluntary or involuntary, no refund of any tax shall be made.

9.04.090 LICENSES: CONDITIONS

(a) All licenses granted by the City Council shall be deemed conditioned so as to require compliance with all of the terms, conditions and provisions of this chapter as well as all applicable laws of the City, State and Federal governments. No license shall be valid unless the licensee obtains and maintains a valid and current registration from the Attorney General pursuant to the Gaming Registration Act. By applying for a license, the applicant agrees to a condition in the license granted that the licensee shall indemnify, defend and hold harmless the City and Redevelopment Agency, its officers and employees, from any and all claims, actions, judgments and damages, including but not limited to award of attorney fees, against the City and Agency, its officers or employees, directly or indirectly related to issuance or validity of such license or any other permit required by law, or to the exercise of City's Public Records Act discretion under this chapter or to the enforcement of Section 9.04.050. In addition to the above, the City Council may impose specific conditions upon the license or other required permits which, in its discretion, it deems necessary to ensure compliance with provisions of this chapter and to protect the health, safety and welfare of employees, patrons, and the residents of the City.

(b) A violation of any condition of any license or other permit is hereby deemed to be a violation of the provisions of this chapter and is deemed sufficient grounds for license revocation or suspension, imposition of fines, or other action determined appropriate by the City Council. All terms and conditions specified in any license shall be enforceable as if set forth in this chapter.

9.04.100 INVESTIGATIONS AND REPORTS

(a) The City Manager shall cause the applicant, including all parties, officers and directors, all present and proposed managers and all pointholders to be investigated. An investigation shall also be made of the building and location where the applicant proposes to conduct such business or activity.

(b) Concurrently with the filing of the application, the applicant, including all partners, officers, directors, managers and all persons proposing to have an ownership interest in the gaming club, shall be fingerprinted and photographed by the Chief of Police, and shall pay the applicable fees. The Chief of Police shall conduct such background criminal investigations as deemed necessary. Applicant shall authorize the Attorney General to release any and all information learned during its investigation of applicant to the City and authorize the Attorney General, its staff and investigators to discuss with the City any and all information learned during the registration process. Further, applicant shall

provide City with copies of all registration applications and certificates filed with and issued by the Attorney General for the applicant, all pointholders, and all proposed managers.

(c) Time of Filing Reports. All such reports shall be submitted to the City Manager within ninety (90) days after the application has been filed. The City Manager shall thereafter agendize the matter for a public hearing before the City Council, as set forth Section 9.04.110.

9.04.110 GRANTING AND DENYING OF APPLICATION

(a) Consideration by City Council. Within 45 days after the required reports have been submitted to the City Manager, and if all required fees have been paid, the City Council shall hold a public hearing on its intent to consider whether such license should be issued. The City Manager shall cause to be given at least ten (10) days published notice of such public hearing. At least ten (10) days mailed notice shall also be given to the applicant of the time and place of such hearing; and to owners of real property within 300 feet of the subject property as listed on the last equalized assessment roll.

(b) Decision of the City Council. The City Council in its discretion, shall either approve, conditionally approve, or deny an application for a license within thirty days after close of the public hearing. In the event that any required reports are not filed within the ninety (90) day period, the City Council may continue the public hearing or may act on the application without such reports and either grant, with or without conditions, or deny the application in the sole discretion of the City Council; provided, that the City Council may not deny the application based solely on the lack of any such report, if its absence is not the fault of applicant.

9.04.120 GROUND FOR DENIAL OF APPLICATION

The City Council shall have grounds for denial of an application for the issuance of any license under the provisions of this chapter in any of the following cases:

(a) If any game for which a license is applied is unlawful under the laws of the State of California or under this chapter.

(b) If a license is not available under the terms of the chapter.

(c) If the applicant, any pointholder, or any proposed manager is under the age of twenty-one (21).

(d) If the applicant, any pointholder, or any proposed manager makes a false, fraudulent or misleading statement or omission as to a material fact required to be revealed in any application submitted pursuant to the provisions of this chapter, or as to any other information presented or required as part of the application process.

(e) If the applicant, any pointholder, or any proposed manager has been convicted of a crime, including sections of the Uniform Controlled Substances Act (Health and Safety Code §11000 et seq.), punishable as a felony.

(f) If the applicant, any pointholder, or any proposed manager has engaged in an act involving dishonesty charged or chargeable as a criminal offense relating to:

(i) the acquisition of an ownership interest in a gaming club; or

(ii) the real property or premises in which a gaming club is situated; or

(iii) the operation of a gaming club.

(g) If the applicant, any pointholder, or any proposed manager has been convicted of any offense involving dishonesty.

(h) If the applicant, any pointholder, or any proposed manager has engaged in bookmaking, loansharking or illegal gambling.

(i) If the applicant does not, in the sole judgment of the City Council, have the financial capability or business experience to operate a gaming club in a manner which would adequately protect its patrons and the citizens of the community.

(j) If the establishment of a gaming club in the proposed premises would violate the zoning, fire, building or other regulations of the City, or would be inconsistent with the General Plan.

(k) If the application would result in substantial aggravation of crime problems or make law enforcement unduly difficult, or does not provide for a security force and security measures determined to be adequate for the size and nature of the business, in the sole discretion of the City Council.

(l) If the establishment of a gaming club would be detrimental to the public peace, health, safety and welfare.

(m) If the establishment of a gaming club would be inconsistent with the purposes and provisions of this chapter and

contrary to public interest.

9.04.125 LICENSE AMENDMENT

(a) The terms and conditions of a gaming club license may be amended by the City Council on application for amendment. Said application shall be subject to, and shall be processed in accordance with, the procedures set forth herein for an original application. The fee for such application shall be established by City Council resolution. "Terms and conditions" of a license includes, but is not limited to, the location or size of a gaming club, the number of card tables the licensee is authorized to maintain, any conditions placed on the license by the City Council or this chapter, and any representations contained in the application as to the operation of the gaming club.

(b) A licensee seeking an amendment shall file an application with the City Manager stating the specific terms and conditions that the licensee desires to change and the reasons therefor.

(c) Amendment fees shall be paid to the City Manager at the time the application is filed. The application for amendment shall not be deemed complete unless the licensee has paid the required fee.

9.04.130 LICENSES: SUSPENSION AND REVOCATION

Licenses are subject to revocation or suspension as provided in this chapter. Licenses are also subject to revocation or suspension upon a determination by the City Council that grounds exist which would justify the denial of an application for such license if such application were then pending, or that the licensee or any pointholder of the licensee has:

(a) Violated, or permitted, allowed or caused the violation of any provision of this chapter.

(b) Permitted, allowed or caused any violation of any condition of approval imposed upon the issuance of such license.

(c) Made any false, fraudulent, or misleading statement or omission as to a material fact on an application form, or as to any other information presented or required as part of the application process.

(d) Ceased operating the gaming club for a total of 90 days, whether consecutive or not, in any 12 month period. A license shall not be subject to revocation on this ground if the licensee's premises are destroyed or damaged, or forced to close, by war, insurrection, strikes, riots, fire or other Acts of God, or

by restrictions mandated by other governmental entities, enactment of new or supplemental state or federal laws or regulations or judicial interpretations of state or federal laws or regulations, as long as the licensee is proceeding with due diligence to restore the gaming club operation.

(e) Failed to prevent the gaming club from causing a substantial adverse impact on surrounding properties due to criminal activity, noise, or parking overflow to the extent its operations constitute a public nuisance.

(f) Had its registration under the California Gaming Registration Act suspended or revoked.

(g) A license shall also be subject to revocation if the gaming club for which the license was issued is not open for business and fully operational within one year from the issuance of the license. Such one year period shall be tolled for the time periods set forth in Section 9.04.040(d) of this Chapter, if applicable.

9.04.140 SUSPENSION AND REVOCATION: PROCEDURE

Existing gaming club licenses may be suspended or revoked pursuant to the following procedures:

(a) Notice. The City Council may revoke or suspend any gaming club license after a hearing of which at least seven (7) days notice shall be given to the licensee of the time, place and purpose thereof. Such notice may take the format of an order to show cause before the City Council at a time, date and place stated, why the license should not be suspended or revoked. The order to show cause shall set forth the reasons or grounds upon which such suspension or revocation is proposed. Notice shall be deemed complete upon receipt.

(b) Hearing. At the time set for such hearing, the City Council shall hear the evidence presented by the City Manager, purporting to show the grounds existing for suspension and/or revocation; thereafter, the City Council shall permit the licensee and any other interested person to present such evidence as may be relevant to dispute the existence of such facts. Technical rules of evidence shall not apply.

(c) Public Hearing; Subpoenas. The City Manager or the City Council may cause to be issued and served any subpoenas as they shall direct in accordance with the provisions of the laws of the State relating thereto requiring the attendance of any person deemed necessary.

(d) Decision of City Council. If based upon the

evidence presented, the City Council finds that facts are presented which constitute grounds for revocation or suspension, it shall revoke or suspend the license. If it finds that such facts are not present, it shall dismiss the proceedings.

(e) Divestment or Fine. In lieu of revocation or suspension, the City Council may impose a fine not to exceed ten thousand dollars (\$10,000) for each violation, and/or the City Council may order the party deemed responsible for any such violation to divest him or herself from any ownership interest held, within 120 days. If divestment is not accomplished within 120 days, any income from the gaming club which would otherwise be due such party shall instead be paid by licensee to the City until divestment occurs. Such party shall still be obligated to divest and shall diligently continue to pursue divestment.

(f) Modification. Notwithstanding any provision of this chapter to the contrary, the City Council may, at any time it deems it desirable for the public health, safety, and welfare, modify the terms or conditions of the license, upon notice and hearing as set forth in this section. This subsection shall not be construed to prevent the City Council from amending this ordinance or enacting new and different rules and regulations without complying with the procedures set forth in this section.

9.04.150 EMPLOYEE WORK PERMITS

(a) The licensee shall keep on file with the police department, and on the licensed premises, as to each employee of the gaming club, a comprehensive list containing the following current information under penalty of perjury:

- (1) Residence address during the past five (5) years;
- (2) Current occupation or employment;
- (3) Employment during the past five (5) years;
- (4) Physical characteristics including age, date of birth, height, weight, and color of hair and eyes;
- (5) Driver's license and social security numbers;
- (6) A history of all convictions for any felony or misdemeanor offense, other than traffic violations;
- (7) A current full face photo of each employee.

The information shall be made available on demand for viewing by the Chief of Police or designee or by the City Manager or

designee.

(b) Any person wishing to be an employee in a gaming club shall obtain a work permit through the filing of an application with the police department. The form may vary according to the job classification. The application shall be complete in all respects, and shall include photographing and fingerprinting. The gaming club shall pay the applicable fees for such photographing and fingerprinting, and shall pay any additional processing fee, in an amount to be determined by resolution of the City Council. The police department shall process the application and may approve, conditionally approve (including issuance of a temporary permit) or deny said application. The application for a work permit shall be denied in the following cases unless the Chief of Police determines, on the facts of each individual case, that the time, nature or seriousness of the act, the recent history and credibility of the applicant, or other mitigating circumstances, warrant approval.

(1) If the applicant has been convicted of any crime within the last ten (10) years punishable as a felony;

(2) If the applicant has been convicted of an offense within the last ten (10) years involving moral turpitude;

(3) If the applicant has engaged in bookmaking, loansharking or other illegal gambling activity or has been convicted of an offense involving such activities;

(4) If the applicant is not a person of good character, integrity and honesty;

(5) If the applicant has made any false statement in the application or as to any other information presented as part of the application process; or

(6) If the approval of the applicant would be inimical to the interests of legitimate gaming.

(c) If an application is denied, the applicant may appeal said denial by written notice to the Chief of Police within ten (10) days following the giving of notice of denial to the applicant. Upon receipt of a timely filed appeal the Chief of Police shall cause a de novo hearing to be held, at which evidence shall be taken, within thirty (30) days. The Chief of Police, after hearing, shall approve or deny such appeal based upon the standards set forth in this chapter.

(d) A work permit shall be valid for a period of two (2) years of the date of issuance. It shall be renewable at the end of each second year upon the filing of an application for renewal and the payment of a renewal fee in an amount established by resolution

of the City Council. If a renewal application has not been received by the City within thirty (30) days after the expiration date of the permit, the applicant must comply with procedures set forth in Section 9.04.150(b) of this chapter.

(e) Each employee, at all times while acting within the scope of his or her employment, shall carry upon his or her person an identification card, permit, badge or license in such form as shall be prescribed by the Chief of Police. In addition, each employee, with the exception of those specifically exempted by the City Manager or his designee, shall wear in a prominently visible place upon his or her person an identification badge bearing the name and identification number of the employee. Undercover security personnel need not wear such identification badge in a prominently visible place.

For the purposes of this subsection, the owners of a licensed gaming club, any director, officer, or partner of such owner, and any manager, shall be deemed to be an employee.

(f) All employees working within the gaming areas of the gaming club must be at least twenty-one (21) years of age as of the date such employment starts; prospective employees may file an application for a work permit prior to their twenty-first (21st) birthday, and a permit may be approved to be effective on such birthday. As to all other employees working in non-gaming areas of the gaming club, applicable state and federal laws regarding age and working hour restrictions shall apply, provided that any such employees less than twenty-one (21) years of age shall not be permitted to work in any gaming area.

9.04.160 WORK PERMITS: SUSPENSION AND REVOCATION

(a) A work permit shall be suspended or revoked under the following circumstances:

(1) Commission of any act which would be grounds for denial of a work permit;

(2) Material violation of any conditions imposed in granting such permit, or of any of the requirements of this chapter.

(b) The permit shall be suspended or revoked by the police chief in accordance with the notice procedures set forth for suspension and revocation of the gaming license, except that the only notice required shall be notice to the employee and licensee. Pending final decision on the suspension or revocation, the licensee shall not allow the employee to work on the premises.

9.04.170 TRANSFER AND ASSIGNMENT OF LICENSES

(a) Except as otherwise indicated herein, any transfer or assignment of any license shall be considered for all purposes in the same manner as a new application for a gaming club license in the City, and all the provisions of this chapter applicable to new and original applications shall apply, provided, however, that neither mailed notice to adjacent property owners, nor published notice, need be made. Such a transfer shall be made in accordance with the provisions of sections 9.04.180 through 9.04.210.

(b) The provisions of this section and of sections 9.04.180 through 9.04.210 shall not apply to any application for or notification of a transfer or assignment by any pointholder who is a member of a bona fide owner operating under a duly issued license to conduct a gaming club in the City of San Pablo to a then presently existing pointholder; provided, however, that any transfer of ten (10) points or more, even to an existing pointholder, shall require City approval pursuant to Sections 9.04.180 through 9.04.210.

9.04.180 POINTHOLDERS: APPLICATIONS FOR SALE OR TRANSFER OF POINTS

(a) Except as otherwise provided in this chapter, it is unlawful for any pointholder or any other person having any interest whatsoever or at all in the ownership of a gaming club, whether legal or equitable, or as trustor or trustee, or of whatsoever kind or character, to transfer such points and/or interest without the consent and permission of the City Council. No transfer or assignment of any point or interest will be recognized by the City unless the transferee or assignee has fully complied with the requirements of the Gaming Registration Act of the State of California and all the applicable rules and regulations relating to the transfer and ownership of points or interests in a gaming club as promulgated by the Attorney General of the State of California.

(b) Any person desiring to sell, transfer, assign, or otherwise hypothecate any point or interest, or fraction thereof, in a gaming club shall file with the City Manager a written application for permission to transfer such interest. Each such application shall set forth, under penalty of perjury, in addition to such other information as the City Manager and/or the City Council may require, the following information:

- (1) The date of the application;
- (2) The true name of the applicant and proposed transferee;

(3) The status of the transferee as being an individual, corporation, association, co-partnership, joint venture, trustor, trustee, or other entity;

(4) The residence and business address of the transferee, if an individual;

(5) If the transferee is other than an individual, the name, residence, and business address of each of the co-partners or members of the firm, co-partnership, trustor, trustee, or joint venture and the names and residence and business addresses of each of the principal officers and directors of the association or corporation applicant;

(6) The number of points and/or the nature of interest sought to be sold, transferred, assigned, or otherwise hypothecated.

(c) The application required by this subsection shall be confidential, and the documents containing such information shall be confidential and shall not be open to public inspection except in connection with the enforcement or administration of this chapter, or as may be required by the California Public Records Act.

9.04.190 POINTHOLDER INVESTIGATION REQUIRED

Whenever an application for sale or transfer of points has been filed with the City, the City Manager shall promptly and diligently make a full and complete investigation of the transferee(s). Concurrently with the filing of the application, the transferee shall be fingerprinted and photographed by the police department, and shall pay all applicable fees.

9.04.200 POINTHOLDER LICENSE FEES

Each such transfer application shall be accompanied by a processing fee payable in advance, as set by resolution of the City Council, in an amount sufficient to cover the cost of the investigation and of processing the application. The fees set forth pursuant to this section shall be the property of and be retained by the City, whether the application for transfer is granted or denied.

9.04.210 POINTHOLDER GRANTING OR DENYING OF APPLICATION

(a) Consideration by City Council. Whenever an application for such a transfer is presented to the City Council, the City Council shall consider such application on the same basis

and subject to the same hearing procedures as are applicable to a new license application; provided, however, that mailed notice to adjacent property owners, and published notice, need not be made.

(b) Decision of the City Council. The City Council may in its discretion either approve, conditionally approve, or deny the application.

9.04.220 POINTHOLDER INVESTIGATIONS: UPDATING

All pointholders holding points in any gaming club, as well as the general partners of such gaming clubs, whether or not they hold any points in such clubs, shall have their background investigations updated annually and regularly thereafter pursuant to a schedule established by the City Council. A fee in an amount to be set by City Council resolution for each pointholder so investigated shall be paid to the City by the respective gaming clubs or licensees on an annual basis to cover the costs of such investigations.

9.04.230 APPLICATION OF PROVISIONS TO CONTINUING POINTHOLDERS

Any pointholder who has not previously submitted to the procedure required under section 9.04.220 shall file, as a prerequisite to the continued holding of an ownership interest, the application to be investigated, pay the fee, and be reviewed by the City Council as provided for persons applying for new ownership interest. Until such time as the investigation has been completed, no financial returns from the operations of the gaming club shall be paid to the pointholder. If the City Council denies any application, within six (6) months after the receipt of a notice of such denial, said owner shall divest himself or herself of such ownership interest.

9.04.240 POINTHOLDER DIVESTMENT

(a) Any pointholder shall divest himself or herself of such ownership interest within one hundred twenty (120) days after a notice of divestiture is served on such person by the City pursuant to such person's final conviction of a misdemeanor involving moral turpitude or a felony. A plea or verdict of guilty, or a conviction following a plea of nolo contendere to a misdemeanor involving moral turpitude or a felony shall be deemed to be a final conviction within the meaning of this section, unless the conviction is appealed to a higher court, in which case the judgment and verdict of that court shall constitute the final action pursuant to which notice of divestiture shall be served if the conviction is affirmed. Within thirty (30) days after the service of a notice of divestiture, the person or persons subject

to such notice (appellant) may request in writing a hearing before the City Council to appeal the notice and request a waiver of the divestiture requirement, including transfer to a trustee. A hearing shall be scheduled before the City Council within thirty (30) days after the receipt of the appellant's written request. Upon the conclusion of the hearing, the City Council may disregard the appellant's conviction or take other modifying steps if it is found and determined by the City Council that mitigating circumstances exist and that the public welfare will be adequately protected. In making such determination, the City Council shall consider the following factors:

(1) The type, nature and extent of the pointholder's interest, including the involvement, if any, in the operations of the gaming club;

(2) The nature, time, and seriousness of the offense;

(3) The circumstances surrounding the conviction;

(4) The age of the person at the time of the conviction;

(5) The presence or absence of rehabilitation or efforts at rehabilitation;

(6) Contributing social and environmental conditions;

(7) The record of the proceedings leading to the conviction;

(8) The financial stability of the pointholder, including his or her personal history, reputation for habits, and traits of character and moral background; and

(9) Such other factors deemed relevant by the City Council in determining the status of the pointholder.

The decision of the City Council shall be final and conclusive.

(b) No person required to divest a gaming club related interest pursuant to an order of divestiture shall transfer the same to his or her spouse, child, sibling, parent or to his or her spouse's child, sibling or parent.

(c) Each day of noncompliance with a notice of divestiture shall constitute a separate and complete offense. In addition, the City Attorney may invoke appropriate civil remedies available to enforce compliance.

9.04.250 CORPORATE POINTHOLDERS

If any pointholder is a corporation or similar entity, the licensee shall keep on file with the City Manager at all times a current list showing the names and addresses of all officers, directors and shareholders of such corporation or other entity.

9.04.260 POINTHOLDER DEATH

(a) Upon the death of any pointholder, the pointholder's interest in the license shall be transferred in accordance with Sections 9.04.170 through 9.04.210.

(b) Notwithstanding the provisions of Section 9.04.120(c), the City Council may approve a transfer to an heir under the age of twenty-one (21), to be held in trust.

9.04.270 RULES AND REGULATIONS

(a) Established. Rules and regulations governing the operation of gaming clubs are hereby established. The City Council reserves the right to establish further rules or amend these rules by resolution of the City Council. All such rules and regulations shall have the force of law and any violation thereof shall be considered a violation of this chapter and a ground for revocation or suspension proceedings.

(b) Tournaments.

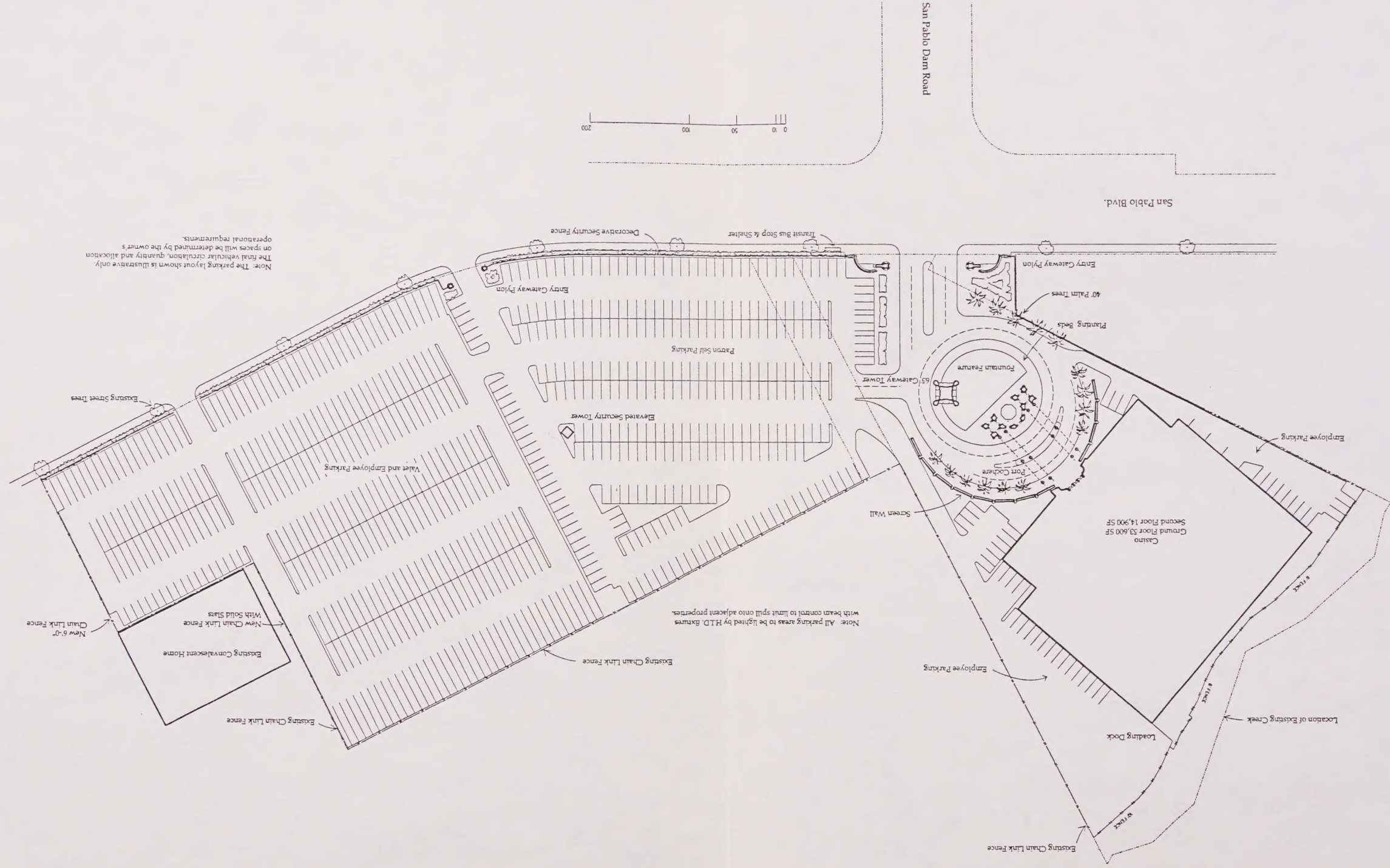
(1) The conduct of established tournaments shall be permitted for those games otherwise permitted by this chapter and for no others;

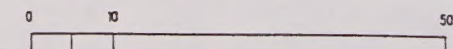
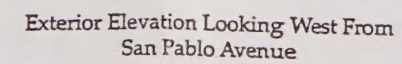
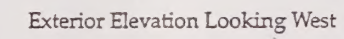
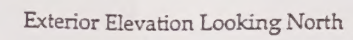
(2) Prior to licensee's commitment to host any tournament, and in any case at least 14 days prior to commencement of any tournament, licensee shall submit to the City Manager a full set of rules, regulations, terms and conditions to be used in regulating or otherwise governing the operation and activities of any such tournament. The City Manager or designee shall have the power to disapprove any tournament within seven (7) days after actual receipt of such information.

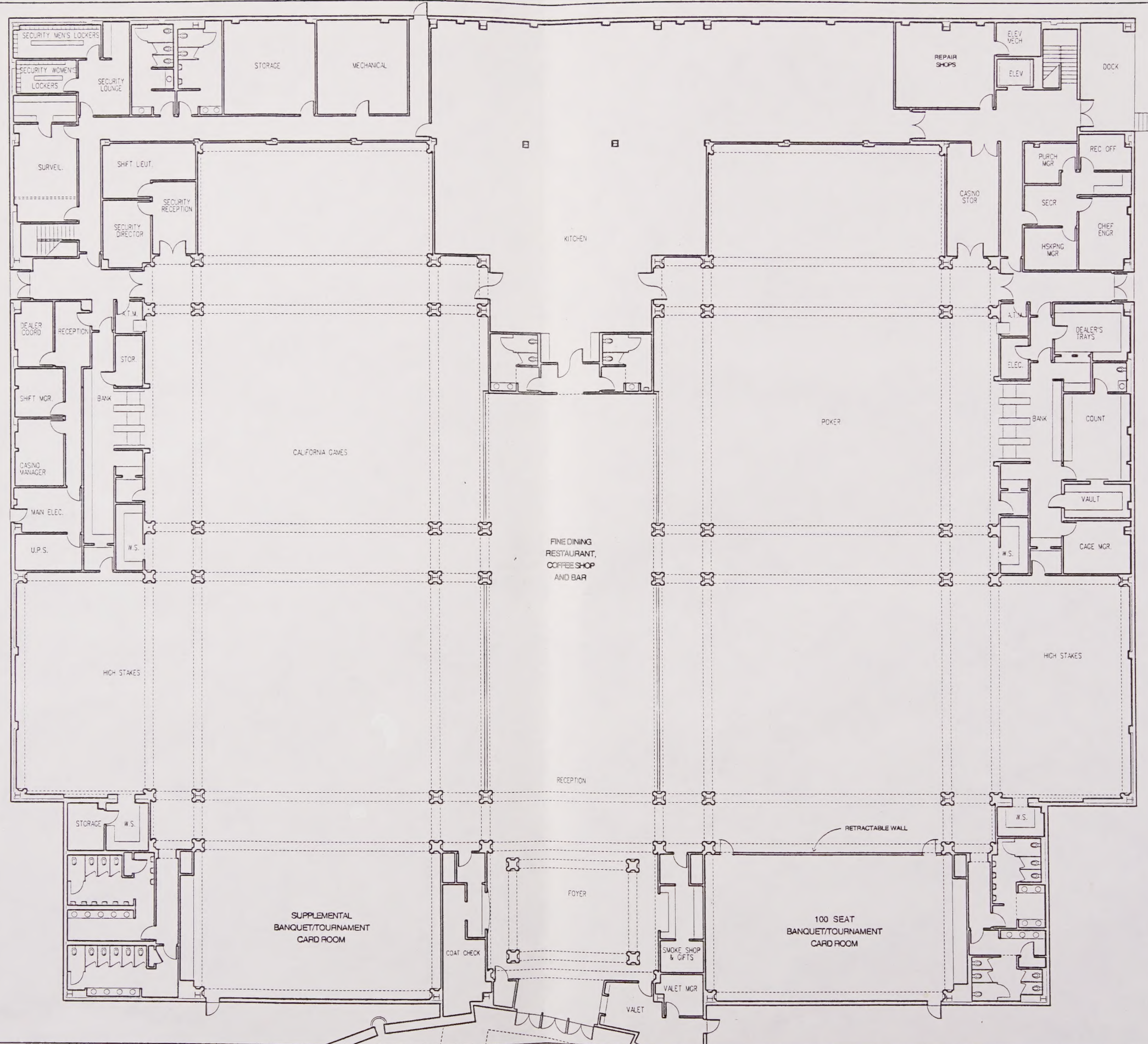
(c) Physical Arrangements.

(1) No gaming club shall operate or maintain in use more than the maximum, or less than the minimum, number of tables allowed in the license;

(2) Games shall be located in one or more rooms and







John Malick & Associates

Architecture and Planning

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San Francisco, CA 94107

Tel: 415 512 8220
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Casino San Pablo

City of San Pablo, CA

Revision Date

Ladbrooke Racing Corp.

Pittsburgh, PA

Drawing Title

FIRST FLOOR PLAN

Scale 1/8"=1'-0"

Date 14 December 1994

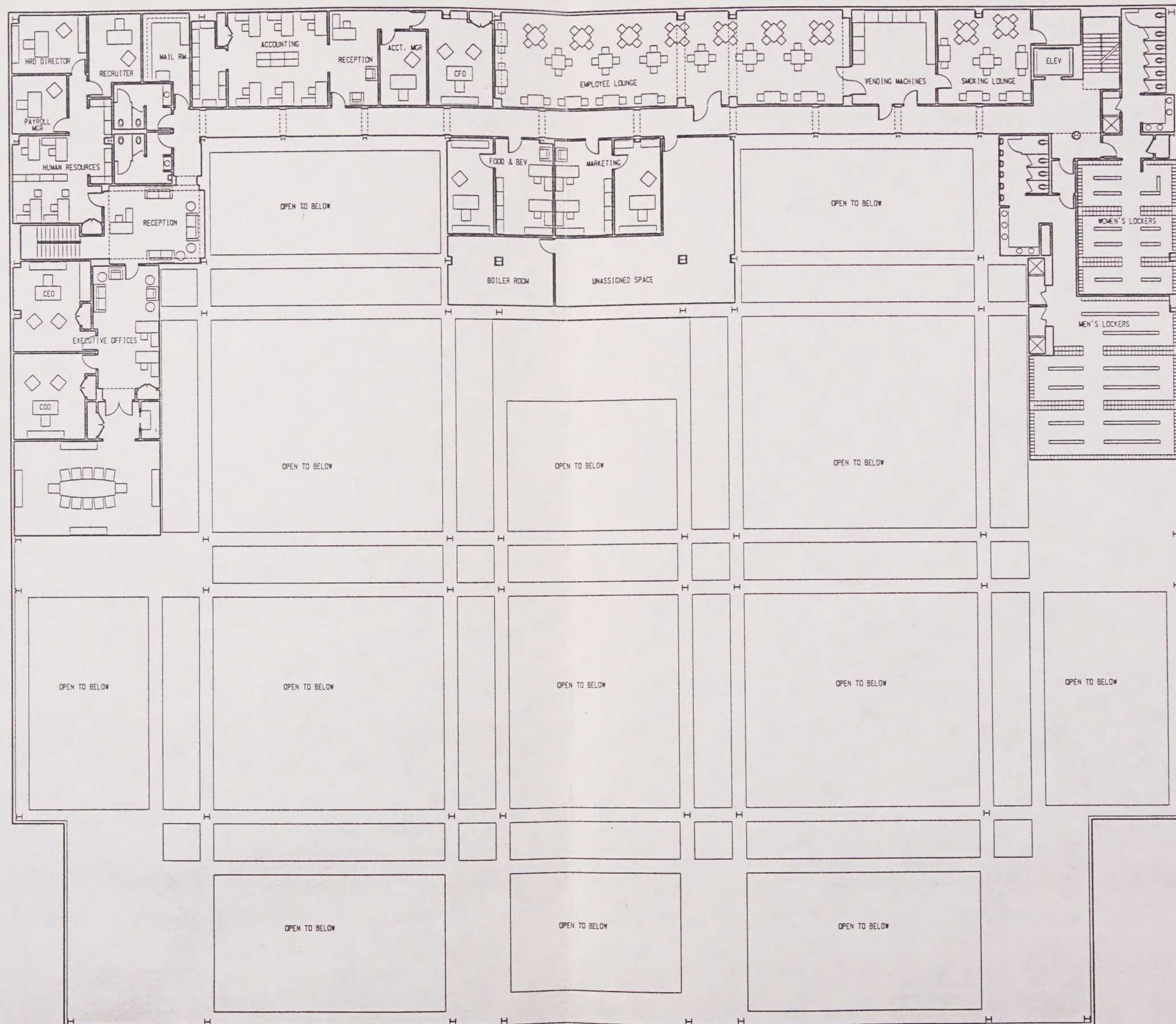
Drawn By Grove

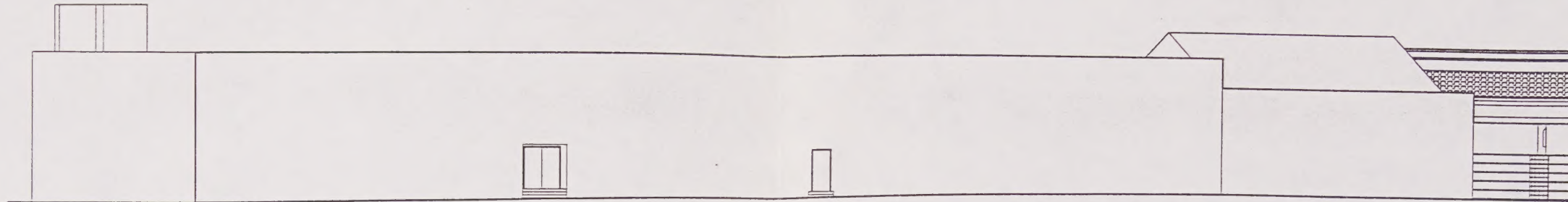
Job Number 1-94-1198

Drawing Number

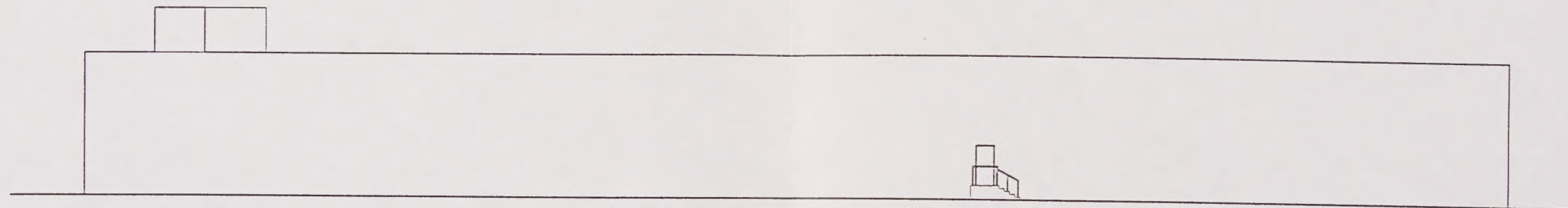
DD A2.1

Preliminary
Not For Construction

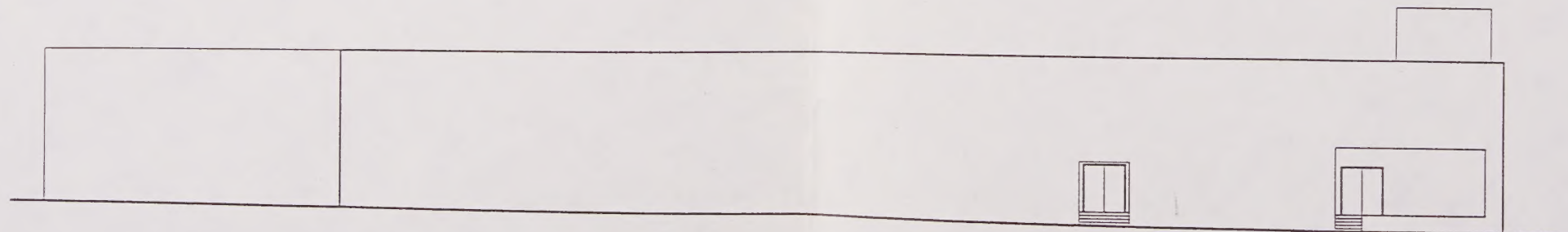




East Elevation



South Elevation



West Elevation

[illegible]

Ladbroke Racing Corp.
Pittsburg, PA

Drawing Title

ELEVATIONS

Seize $\frac{1}{8}'' - 1'' - 0''$

Date 12 December 1994

Drawn By Grove

Job Number 1-94-1198

Drawing Number

DD A3.2

Preliminary
Not For Construction

so arranged that the gaming tables in a room and the players at the tables shall be visible from the main doorway into such room. No wall, partition, screen, or similar structure between any main doorway into such a room and any gaming table shall be permitted if it interferes with such visibility unless specifically authorized by the license or any permit issued by the City, or by the City Manager upon good cause shown;

(3) During all hours of operation, the outside doors to the gaming club and the main doors into the gaming room must be unlocked and accessible to the general public;

(4) The gaming areas of the gaming club shall be separated from other activities on the premises;

(5) Any and all parts of a gaming club shall be open for inspection during all hours to the City Manager or designee, without a search warrant;

(6) A gaming club shall be open for inspection during all hours to the personnel of the appropriate law enforcement agency without a search warrant.

(d) Operations Procedures. No licensee, agent or employee of a licensee, or a person to whom a work permit has been issued shall:

(1) Allow or permit money to be used as ante or bet in any legal game in the gaming club. Anteing or betting shall be done by using tokens, chips, or other representatives of money;

(2) Loan money or permit money to be loaned, with or without security, to any person as a stake in any game;

(3) Act in the capacity of, or employ any person to act in the capacity of a proposition player, unless such person wears in a conspicuous place attached to the clothing, a work permit or badge approved by the Chief of Police which identifies such person as a proposition player. Proposition players shall play only with their own money.

(4) Knowingly permit any person who is in a state of intoxication, or under the influence of an unlawful substance in any area of the premises;

(5) Permit any person under the age of twenty-one (21) to enter a gaming room or area unless accompanied by an adult and for the purpose of accessing other areas of the gaming club;

(6) Fail, neglect or refuse to exhibit their licenses or work permits on demand of any law enforcement officer, or, in the case of a work permittee, fail, neglect or refuse to

wear such permit or badge as identification in a conspicuous place attached to his/her clothing while performing his/her duties for the licensee, if so required. Undercover security personnel shall not be required to wear such permit or identification in a conspicuous place.

(7) Permit any person playing in any of the games licensed by this chapter to make any individual bet or wage in excess of the maximum bets set forth for the particular game as posted in the club except as allowed in a duly authorized tournament;

(8) Allow any person to wager any sum in excess of the value of the chips or other playing tokens which such person has purchased from the gaming club;

(9) Derive revenues from games being played in the gaming club other than from collection of a time rental fee for occupancy at the card table, a predetermined fixed fee assessed of all players at the table and collected prior to the playing of the hand, and/or a management or service fee, if not prohibited by state law.

(e) Posting Requirements.

There shall be posted in conspicuous places in the gaming club premises the following:

(1) The minimum buy-in, time charged, or other fee charged players for the use of the tables;

(2) A set of detailed house rules applicable to the games played, which shall be posted in the form of a printed rule book and made available in English, Spanish, Vietnamese, Korean and Mandarin and/or Cantonese-Chinese;

(3) A copy of the current valid license and the licensee's current gaming registration certificate issued under Gaming Registration Act;

(4) The dollar equivalents of any chips, tokens or other representatives of money;

(5) A notice stating that a copy of the ordinance codified in this chapter is available for inspection.

(f) Personal Responsibility of Licensee.

(1) The operation of the gaming club shall be the responsibility of the licensee personally (if an individual or partnership is the licensee), or the personal responsibility of the officers and directors of the licensee (if a corporation is the

licensee). The operation of the gaming club shall also be the personal responsibility of any and all managers of the licensee that are present during gaming club operations;

(2) Either the licensee (if such licensee is an individual), or a manager of the licensee shall be present on the gaming club premises at all times during the conduct of its legal gambling or gaming operations;

(3) Not later than July 1 of each calendar year, the licensee shall execute under penalty of perjury and file with the City Manager a declaration stating the following:

(i) A list of the minimum buy-in, time charged, or other fee charged players for the use of the tables;

(ii) A set of the then current posted detailed house rules applicable to the games played;

(iii) That all taxes have been paid;

(iv) The declaration shall be accompanied by a complete copy of all registration and re-registration applications (and exhibits) filed by the licensee and all persons having a financial interest in the licensee under the Gaming Registration Act.

(g) Size. Any gaming club licensed under this chapter shall contain a minimum of thirty tables, and shall be no smaller in aggregate size or area under one roof than thirty thousand square feet.

(h) General Requirements.

(1) It shall be unlawful for any person as an operator, agent, and/or employee of any duly licensed gaming club to assign, arrange for, or in any other manner sublet to or subcontract with, directly or indirectly, with or without consideration, any person not having a valid unrevoked license, to conduct any card game at a table at the gaming club. It shall also be grounds for the revocation or suspension of any license issued to any gaming club to permit the farming out, assigning, or subletting of any game lawfully permitted pursuant to the provisions of this chapter;

(2) Rules of play for all games permitted by law, including tournaments, shall first be filed with and approved by the Chief of Police, and shall be conspicuously posted at locations approved by the Chief of Police;

(3) Seat rental fees shall be reviewed and approved by the City and shall be conspicuously posted at locations approved

by the Chief of Police;

(4) No card game shall allow individual bets to be placed exceeding \$300.00, other than in established tournament play;

(5) Licensees holding or obtaining licenses under the provisions of this chapter shall thereby automatically agree to be bound by and observe each and all of the terms, conditions and provisions of this chapter and of the rules and regulations established thereby relating to such licenses;

(6) No licensee shall operate or use any table or unit or manage, conduct or carry on any business or activity licensed by this chapter after the time that such license issued by the City has been or is revoked or suspended;

(7) Each and all of the games conducted or operated in the City pursuant to the provisions of this chapter shall be conducted and operated in full conformity with, and subject to all the provisions of applicable laws.

(i) Interested Parties. Any person who is an operator, owner, principal, employee or agent of a gaming club permitted under this chapter shall be an "interested party" in such gaming club. It shall be unlawful for any person to participate in any game in a gaming club in which such person is an interested party if:

(1) There are more than two interested parties seated at the table at which such game is being played; or

(2) There are more than seven players participating in the game.

(j) Check Cashing and Credit.

(1) Licensee shall be allowed to cash personal checks. All checks received shall be cashed or negotiated by the end of the first banking day after receipt. It shall be unlawful for the licensee, owner or employee to cash any personal check which does not state the amount on the face of the check.

(2) It shall be unlawful for any gaming club to extend or allow or permit the extension of credit, other than through the presence of automated teller machines of recognized financial institutions.

(k) Permissible Games. In no case shall any game be played in a gaming club unless and until the game has been approved by the City Council by either license approval and/or resolution.

(1) Hours of Operation. Hours of operation may be imposed by the City Council by resolution should it determine that such regulation is necessary for the protection of the public welfare.

(m) Gamblers Anonymous Literature. All licensees shall make literature published by Gamblers Anonymous easily available in a visible location in the cardroom. If literature published by Gamblers Anonymous is available in English, Spanish, Tagalog, Vietnamese, Korean, Mandarin, and/or Cantonese-Chinese, the licensee shall make such literature easily available.

9.04.280 ALCOHOLIC BEVERAGES

(a) Alcoholic beverages may be sold, dispensed, consumed, or permitted in licensed gaming clubs in accordance with applicable state and local laws and regulations.

(b) No on-duty employee of a gaming club shall consume alcoholic beverages or controlled substances, whether on or off the premises.

(c) No complimentary or reduced price alcoholic beverages shall be offered by the gaming club on the gaming floor or in violation of state law.

(d) No licensee or other person in charge or control of any card game at a gaming club shall permit any person to play in any game licensed by the provisions of this chapter at any time while such person appears to be, or is, under the influence of any alcoholic beverage or controlled substance.

(e) No licensee or other person in charge or control of any card game at a gaming club shall permit any person to enter the premises while such person appears to be, or is, in the opinion of the licensee or duly authorized agents or employees, under the influence of an alcoholic beverage or controlled substance.

9.04.290 RECORD KEEPING AND AUDITS

(a) The licensee shall keep and maintain all gaming club books, documents, records and accounts (whether recorded in printed form or as electronic media) in accordance with recognized business accounting principles. Such books, documents, records and files must be retained for a period of at least seven (7) years and must be available for inspection or audit at the demand of the City. Any and all video tape recordings made for security at the gaming tables shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of twenty-four (24) hours and any "cage" tapes shall be retained for seven (7) days, unless

longer or shorter periods of time are ordered by the Chief of Police. All tapes must be made available to any law enforcement agency for duplication upon demand.

(b) Nothing in this section shall limit the City's right to inspect or audit the books, documents, records and accounts of the licensee, at any time, relating to items other than gross revenues, and City expressly reserves that right through issuance of the license.

(c) Any information obtained pursuant to the provisions of this section or any such statement filed by the licensee shall be deemed confidential and shall not be subject to public inspection except in connection with the enforcement or administration of the provisions of this chapter, or as may be required by the California Public Records Act.

9.04.300 LOANS

The licensee shall report to the City Council all loans received by it within ten (10) days of execution of final loan documents. The information shall include the name and address of the lender and the amount and terms of the loan. Any default by licensee resulting in such lender obtaining a direct or indirect financial interest in the gaming club shall be treated and processed in accordance with the provisions of Sections 9.04.170 through 9.04.210.

9.04.310 CHEATING DEFINITIONS

For the purposes of this chapter, the words and phrases hereinafter set forth shall have the following meanings ascribed to them unless the context clearly requires to the contrary:

(a) "Blind cut" or "false cut" means a maneuver which appears to cut the deck, but does not in fact do so.

(b) "Blind shuffle" means to false shuffle, or to give the deceptive impression of intermixing playing cards, while actually retaining the same sequence of all or a group of cards.

(c) "Burn" is a discard in accordance with the rules of the game, made before the draw when playing draw poker.

(d) "Capping the deck" means to place cards which should not be there on to the top of the deck.

(e) "Cooler" means a deck of cards, secretly prearranged in a known sequence or marked to be substituted for the deck in play.

- (f) "Daubing" means to mark cards by applying a faintly visible substance to the back of the cards.
- (g) "Greek deal" or "second bottom" means to deal a card which is second from the bottom of the deck.
- (h) "Hand mucking" means the surreptitious switching of cards from those that are dealt to a player.
- (i) "Hold-out" means a mechanical device used for the purpose of surreptitiously switching or retaining cards.
- (j) "Hopping the cut" means to surreptitiously nullify the cutting of the deck.
- (k) "Middle dealing" means to deal a card from the center section of the deck.
- (l) "Punching" means to mark the back of the cards by creating a dimple or indentation thereon.
- (m) "Roughing fluid" means a liquid chemical applied to the back of the cards for the purpose of marking them by roughening the surface.
- (n) "Run-up" or "stacking" or "stocking" means to shuffle the cards in such fashion as to surreptitiously arrange the sequence of known cards.
- (o) "Sanding" means to mark cards by applying an abrasive substance to the cards.
- (p) "Shiner" means a mirror or other reflecting device used for the purpose of enabling a player to see cards which the player is not entitled to see under the rules of the game being played.
- (q) "Slick sleeve" or "mohair sleeve" means a long sleeve on a clothing garment to assist in holding out a playing card.
- (r) "Slug" means a group of cards.
- (s) "Transmitter" means an electronic or radio device used for the purpose of transmitting signals or information to another player, who receives such signals or information by use of a "receiver."
- (t) "White flash" means a form of daubing whereby a chemical is used to create a "white on white" marking on the back of the cards.

9.04.320 CHEATING TECHNIQUES GENERALLY

It is unlawful for any person or persons to use any of the cheating techniques prohibited by this chapter, whether or not such techniques are successful. The licensee or management shall immediately notify the police department upon the detection of any person(s) suspected of cheating.

9.04.330 MANAGEMENT COOPERATION WITH SURVEILLANCE PERSONNEL

It shall be the responsibility of the licensee, management and their employees to fully cooperate with gaming club surveillance and protection personnel in the detection, apprehension and identification of those persons involved in cheating or fraudulent accounting practices. Management shall retain and deliver to the police department as evidence all playing cards and implements suspected of involvement in cheating.

9.04.340 DEALING OTHER THAN TOP CARD

It is unlawful for any person as a player or dealer to deal, draw, distribute, or burn any playing cards other than the top card of a deck. The "top card" is defined as the uppermost face down card of a face down deck. It is therefore unlawful to deal or cause to be dealt what is known as a second, bottom or to engage in greek dealing or middle dealing.

9.04.350 STACKED DECK

It is unlawful for any person as a player, dealer, employee or agent to shuffle or cause to be shuffled any playing cards that are to be used or are being used in a licensed card game, other than in a random manner. It is unlawful to predetermine, or prearrange the sequence of playing cards by value or suit or to retain or hold back a card or cards either individually, or as a group or slug as an effort to circumvent a random mixing of the playing cards. Any blind shuffle, run-up, stacking or stocking of the deck to gain an unfair advantage in play, whether or not an advantage is gained, is prohibited.

9.04.360 CONCEALED CARDS

It is unlawful for any player or dealer to palm, hold-out, or conceal any card or cards during a card game, whether by sleight of hand, mechanical apparatus, or by clothing such as a slick sleeve. It is also unlawful for any person, player, or dealer to switch, exchange, or cause to be exchanged any playing card, or cards, as a means of deception. The deceptive practices known as hand

mucking, capping the deck, introducing additional cards into a game, or switching the deck with a "cooler" are prohibited.

9.04.370 FALSE CUT

It is unlawful for any person to use any technique in a card game, designed to accomplish a "blind" or false accede, or to use a fraudulent technique to nullify a cut once performed by a player, or to influence or indicate to another person to cut the deck at a specific location.

9.04.380 MARKED CARDS

It is unlawful for any person, player, or dealer to deliberately mark or alter any card or cards when there is a likelihood that such cards will be used in licensed game, or when such cards are in play. It is unlawful to knowingly use any altered or marked cards in a card game. "Marking and altering", as used herein, includes sanding, daubing, which flash, white on white, punching, adding to, removing from, or blocking out the existing design whether on the fact, backside, or edge of any card or cards.

Any deliberate crimping, warping, bending, cutting, trimming, shaving, or alteration by any means that would or may cause an advantage for any player over other players, whether or not such advantage is gained, is unlawful.

9.04.390 MECHANICAL DEVICES

The use of any mechanical or electrical apparatus or other device so as to gain any advantage, or to gain information that would enable a player or dealer to deceive others is prohibited. Such devices not limited to, hold-outs, table bugs, shiners, transmitters, receivers, punches, chemical solutions, shading, roughing fluids, inks or dyes.

9.04.400 AIDING AND ABETTING

It is unlawful for any person to knowingly aid or abet another in any cheating action prohibited by this chapter.

9.04.410 POLICE DEPARTMENT'S RESPONSIBILITY

The police department, upon being notified by gaming club personnel or game surveillance personnel that a person or persons are being detained for cheating at play, shall respond to the gaming club. The police department shall ascertain the identity of

those involved in the cheating, the circumstances involved and decide what police action, if any, is deemed appropriate. The police department shall assist as legally required in any citizen's arrest.

9.04.420 REMOVAL OF PERSONS FROM GAMING CLUB PREMISES

(a) A gaming club licensee shall remove any person from premises licensed for use as a gaming club if, on the premises, that person:

(1) Engages in disorderly conduct, as defined in Section 647 of the Penal Code; or

(2) Is under the influence of any intoxicating liquor or drug; or

(3) Is mentally incapacitated to the extent that such person cannot care for himself or control his actions; or

(4) Is boisterous, or is otherwise offensive to other persons; or

(5) Commits any public offense.

(b) Except as provided in Section 9.04.430(a)(4), removal of a person from the premises pursuant to this section carries no presumption that the person is within the class of persons defined as "undesirable persons" in Section 9.04.430.

9.04.430 EXCLUSION OF UNDESIRABLE PERSONS

(a) To the extent allowed by law, a licensee shall exclude from all or any portion of the premises any person who is determined to be "undesirable" within the meaning of this section. For the purposes of this section, the following persons shall be deemed to be "undesirable":

(1) Persons who have engaged in any act of, or who have been convicted of, bookmaking or illegal wagering; or

(2) Persons who have engaged in acts prohibited by this chapter, with respect to cheating; or

(3) Persons who have been convicted of a violation of this chapter with respect to cheating; or

(4) Persons who have been removed from the premises pursuant to Section 9.04.420(a) on more than one occasion; or

(5) Persons whose presence is inimical to the interests of the licensee.

(b) For purposes of this section:

(1) "Bookmaking" includes, but is not limited to, any act prohibited by Section 337a of the Penal Code or by Section 19595 of the Business and Professions Code;

(2) "Illegal wagering" includes, but is not limited to, any act prohibited by Sections 319 through 336, inclusive, of the Penal Code.

9.04.440 NOTICE AND ORDER OF EXCLUSION

The licensee shall inform any person excluded from the premises of the reason for the exclusion, and shall notify such person of the provisions of this chapter. Notification shall be made by the delivery to the person excluded of an order of exclusion, to which shall be attached a copy of this chapter. The licensee shall immediately notify the police department of the name of the person so excluded, the reason for the exclusion, and provide such other information the police department may require.

9.04.450 EXCLUSION HEARING

Any person who is excluded from a gaming club may apply to the police department for a hearing on whether the ordinance is applicable. The hearing shall be held within thirty (30) days after receipt of the application or as may otherwise be agreed.

9.04.460 ENFORCEMENT OF ORDER--CIVIL REMEDY

No person named in a final order of exclusion shall fail to comply with the terms of such order. A final order of exclusion shall if necessary be enforced by the licensee by means of a civil injunction proceeding in Contra Costa Superior Court.

9.04.470 INDEMNIFICATION

In addition to the indemnity requirement set forth in Section 9.04.090, the licensee and licensee's successors, heirs, and assigns, shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action or proceedings against the City, its agents, officers or employees arising out of or resulting from the negligence of the licensee or the licensee's agents, employees, or contractors in the construction or operation of a gaming club.

9.04.480 ARCHITECTURAL AND SIGN CONTROL

All architectural plans for the licensed establishment shall be submitted to and approved by the City Council and/or Redevelopment Agency Board of Directors prior to implementation. Plans for all exterior signs shall also be submitted and approved by the City Council prior to the installation of any such signs.

9.04.490 CAMPAIGN CONTRIBUTIONS

The City Council finds that the gaming industry is a highly regulated and controlled industry due to the nature of its operations, the amount of money amassed, and the fears and perceptions that some elements in the industry may use such funds to incur political debts from legislators who are aided by their contributions. In order to eliminate the appearance of impropriety and corruption associated with such contributions, the City Council hereby determines that it shall be unlawful for any corporation, partnership or other legal entity licensed under this chapter to make any monetary contributions to city councilmembers, candidates for City Council, or to their respective campaign organizations.

9.04.500 UNLAWFUL INTERESTS

It shall be unlawful and a conflict of interest for any City Councilmember, City employee or City official to directly or indirectly own, operate or have any interest, legal or equitable, in any gaming club licensed under this chapter. It shall be unlawful for any City Councilmember, City employee or City official to directly or indirectly conduct business with or be employed in any manner whatever by a person or entity licensed under this chapter.

9.04.510 VIOLATIONS

Any violation of the provisions of this chapter shall be deemed an infraction, unless deemed a misdemeanor by the City Attorney when the complaint is filed with the Clerk of the Municipal Court.

9.04.520 NON-SEVERABILITY WITH RESPECT TO TAXES AND FEES:
SEVERABILITY WITH RESPECT TO REMAINING PROVISIONS

The provisions of this chapter providing for the payment of business license taxes are not severable. Should the requirements of this chapter relating to the payment of business license taxes, as herein set forth or as subsequently amended, be held to be invalid or unenforceable for any reason by the final judgment of a court of competent jurisdiction, then this chapter in its entirety shall thereupon become null and void, any licenses issued pursuant to this chapter shall likewise become null and void, and the playing of such games within the City shall thereupon become unlawful to the same extent as such playing was unlawful prior to the adoption of this chapter.

Except as provided immediately hereinabove with respect to business license tax payments to the City, if any remaining section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The People hereby declare that they would have passed this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

9.04.530 LIMITATIONS OF ACTIONS

Any action or proceeding challenging the constitutionality or validity of this chapter shall be brought within sixty days following its adoption, according to the limitations period and procedures set forth in Chapter 9 of Title 10 of Part 2 of the Code of Civil Procedure (commencing with Section 860). No challenge to the constitutionality or validity of this chapter shall be made other than within the time and manner therein specified.

SECTION 3. Section 9.08.010 of the San Pablo Municipal Code is hereby repealed. Title 9, Chapter 8 of San Pablo Municipal Code is hereby amended to read as follows:

Chapter 9.08

ELECTRONIC, MECHANICAL GAMES

9.08.010 Electronic/Mechanical Games. It is unlawful for any person to engage in owning, operating or possessing in his or her place of business, or on his or her premises, electronic/mechanical games as defined in Section 17.08.125 of this code, without

obtaining all permits or certificates required by Chapter 5.04, and obtaining all use permits where required by this code.

SECTION 4. Section 17.32.030J of the San Pablo Municipal Code is amended to read as follows:

"17.32.030 Permitted uses subject to securing use permit. Uses permitted in a C-1 district, subject to first securing a use permit in each case, shall be as follows:

J. Amusement enterprises, including but not limited to gaming clubs."

SECTION 5. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they conflict with this ordinance.

SECTION 6. Amendment By City Council. The City Council reserves, and the People so grant to the City Council, the right to amend the provisions of this ordinance without the necessity of an election; provided, however, that under no circumstances may the City Council act to repeal this ordinance and make gaming unlawful again in the City of San Pablo without an election of the qualified voters of the City.

SECTION 7. The provisions of this ordinance providing for the payment of business license taxes are not severable. Should the requirements of this ordinance relating to the payment of business license taxes as herein set forth or as subsequently amended, be held to be invalid or unenforceable for any reason by the final judgment of a court of competent jurisdiction, then this ordinance in its entirety shall thereupon become null and void, any licenses issued pursuant to this ordinance shall likewise become null and void, and the playing of such games within the City shall thereupon become unlawful to the same extent as such playing was unlawful prior to the adoption of this ordinance.

Except as provided immediately hereinabove with respect to business license tax payments to the City, if any remaining section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The People hereby declare that they would have passed this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 8. Effective Date. This ordinance shall take effect upon approval by a majority of electors voting thereon at an election held in April, 1994. The City Clerk shall cause the

ordinance, or a summary thereof, to be published in the West County Times at least one time within 15 days of passage.

Note: Ordinance Number 94-001 was adopted by the people of the City of San Pablo at a Special Municipal Election on April 12, 1994.

ATTEST:

APPROVED:

Charlotte Maggard, City Clerk

Shirley R. Wysinger, Mayor

gaming:cardroom.ord

8.4 TRAFFIC IMPACT ANALYSIS FOR THE PROPOSED CASINO PROJECT IN SAN PABLO

August 25, 1994

Mr. Craig Monroe
City of San Pablo
1 Alvarado Square
San Pablo, CA 94806

**Subject: Traffic Impact Analysis for the Proposed
Palace Casino Project in San Pablo**

P940028

Dear Mr. Monroe:

Dowling Associates is pleased to submit this traffic impact analysis for the subject project. Dowling Associates has provided as complete a disclosure as possible of the potential environmental impacts and a set recommended mitigation measures directed towards reducing the project impacts to less than significant.

Project Definition

The project is defined as a 61,000 square foot card club/casino with two card rooms of 50 card tables in each. The building will include: an 80-seat fine dining restaurant, a 90-seat coffee shop, a 30-seat bar lounge, 100-seat banquet room on the first floor, and 10,000 square feet of office space on the second floor. The project sponsor is still completing the site and floor plan for the project. An existing bowling alley building on the site will be renovated for the project. The project will provide 250 valet parking spaces and 599 self-parking spaces.

Setting

The project is located west of the intersection of San Pablo Avenue and San Pablo Dam Road in the City of San Pablo. On the site, there are an existing bowling alley, a car rental shop, a Hickory Post shop, and a few mobile homes. The Brookside Hospital is located to the northwest of the project site. Our field survey revealed a gate between the Brookside Hospital and the site, but it is our understanding through consultation with the hospital administration that it is never opened to the public.

There is only one driveway for site access, which is the west leg of the San Pablo Avenue and San Pablo Dam Road intersection.

San Pablo Dam Road is a major arterial which links the cities of San Pablo and El Sobrante. San Pablo Dam Road has 4 travel lanes and is a major access to the project site. Signalized intersections are located at the I-80 freeway eastbound ramps, westbound ramps, and the intersection of San Pablo Dam Road and San Pablo Avenue. In addition, another signalized intersection at Amador Street and San Pablo Dam Road, just to the west of the I-80 EB ramps intersection, provides access for local residents to I-80.

San Pablo Avenue is a major 4-lane arterial which connects the cities of San Pablo, Pinole to the north, and Richmond to the south. The predominant traffic flow here (and on San Pablo Dam Rd) is southbound during the AM peak hour and northbound during the PM peak. Signals are provided all along San Pablo Avenue at major intersections.

Existing Conditions

The existing land uses on the site presently generate about 20 trips in the morning peak hour and about 120 trips in the afternoon peak hour.

In consultation with the city staff, a list of the intersections which could be adversely affected by the project was developed. These are all signalized and include:

- | | |
|-----------------------|-----------------------------|
| ■ San Pablo Avenue at | ■ San Pablo Dam Road at |
| - 23rd Street/Road 20 | -I-80 eastbound on/off ramp |
| - Church Lane | -I-80 westbound on/off ramp |
| - Vale Road | |
| - San Pablo Dam Road | |
| - McBryde Avenue | |

Recent existing traffic volume data was available at all of these locations except for the San Pablo Dam Road and I-80 eastbound on/off ramp intersection. For this location, a traffic volume estimate was made from a 1990 count. The estimate was based on growth from 1990 to 1994 at the adjacent I-80 westbound on/off ramp intersection. The source of the traffic counts for the existing condition was the San Pablo Avenue Signal Coordination Study completed in August, 1993 and the Contra Costa County CMP for 1994. The source of the forecast year (2000) traffic volumes was the *West Contra Costa Action Plan: Future Conditions Background Report, June 1992*.

A critical movement analysis method was used to calculate the existing level of service (LOS) at the study intersections. The VCCC program, developed by TJKM, was used to perform the LOS analysis in accordance with the City's requirements. The critical movement analysis calculates the volume-to-capacity (V/C) ratios of each critical signal phase at an intersection. These V/C ratios are added to obtain the V/C ratio for the intersection as a whole. The LOS is determined by the intersection V/C ratio. Note that the 1992 version of the VCCC program was used for this analysis,

which is different from the 1991 version because the assumed lane capacity increased from the previous version. Therefore, the levels of service at the study intersections are slightly better than those estimated in previous analyses of these intersections.

Table 1 summarizes the existing AM and PM peak hour levels of service at the analysis intersections. The City of San Pablo uses level of service "D" as the worst case peak hour condition to determine potential traffic impacts.

Of the seven intersections analyzed, one intersection exceeds the City's level of service criteria during PM peak period. The intersection of I-80 EB on/off ramp and San Pablo Dam Road is operating at service level "F" during PM peak period.

Table 1. Summary of Existing Level of Service

Intersection	Existing Conditions			
	AM Peak Hour		PM Peak Hour	
	V/C	LOS	V/C	LOS
I-80 EB on/off Ramp and San Pablo Dam Road	0.84	D	1.01	F
I-80 WB on/off Ramp and San Pablo Dam Road	0.81	D	0.74	C
San Pablo Avenue and McBryde Avenue	0.47	A	0.57	A
San Pablo Avenue and San Pablo Dam Road	0.42	A	0.66	B
San Pablo Avenue and Vale Road	0.53	A	0.61	B
San Pablo Avenue and Church Lane	0.58	A	0.58	A
San Pablo Avenue and 23rd Street	0.88	D	0.67	B

PROJECT IMPACTS

Trip Generation

Traffic generation for a new development is usually based upon accepted standard rates found in references, such as Institute of Transportation Engineers, ITE, Trip Generation 5th Edition. For proposed land uses not listed in the trip generation references, trip generation rates are best based upon recent surveys of similar land uses. Trip generation rates for this study were obtained from two sources: Trip Generation, 5th Edition published by ITE, and recent surveys by Environmental Sciences Associates.

Trip generation rates for the office, fine dining restaurant, bar/lounge, and coffee shop were obtained from the ITE Trip Generation, 5th edition. Trip generation rate for the card tables was obtained from recent surveys of The Oak's Club in Emeryville and the Artichoke Joe's in San Bruno. By applying these trip generation rates, it is estimated that the project will generate about 2,525 daily trips, 245 AM peak hour trips, and 615 PM peak hour trips. Table 2 details the project trip generation estimate. Note that the banquet room will be used infrequently for special occasions only, and is assumed herein to have an insignificant affect on peak hour traffic conditions.

As stated earlier the land uses on the site currently generate about 20 trips in the AM peak hour and 120 trips in the PM peak hour. Since the proposed project will replace the existing land uses, the net increase in trip generation due to the project is about 225 AM peak hour trips and 490 PM peak hour trips.

Trip Distribution

The directional distribution of project traffic is based upon a Demographic Analysis for the Proposed San Pablo Casino, prepared by Lapkoff & Gobalet Demographic Research, Inc. in 1993, discussions with City staff, existing traffic patterns, and professional judgement. It is assumed that 20 percent of the total trips generated will be from local areas within 5 miles of the project site. Most of these local trips are assumed to use surface streets, but it is also assumed that a small portion of the local traffic will find it desirable to use I-80. The remaining 80 percent will be regional traffic. The local trips are assumed to split 50/50 between north and south. One-fourth of the regional traffic is assumed to travel north and three-quarters south. The regional traffic traveling north is assumed to use the San Pablo Dam Road/I-80 east-oriented ramps. Whereas the regional traffic traveling south is assumed to use the San Pablo Dam Road/I-80 west-oriented ramps.

Table 2. Trip Generation Rates and Trips Generated by the Palace Casino

Land Use	Units	Daily Rate per Unit	Daily Trips	AM PEAK HOUR				PM PEAK HOUR			
				Rate	IN	OUT	Total	Rate	IN	OUT	Total
1. Office ¹	10.0 KSF	24.6	246	3.2	29 (89%)	3 (11%)	32	3.40	6 (17%)	28 (83%)	34
2. Dining Restaurant ²	16 Seats ^a	2.86	46	0.03	0 (94%)	0 (.06%)	0	0.23	3 (70%)	1 (30%)	4
3. Coffee Shop ³	18 Seats ^a	6.57	118	0.51	5 (50%)	5 (50%)	10	0.59	6 (54%)	5 (46%)	11
4. Card Tables ⁴	100 Tables	21.14 ^b	2,114	2.04 ^c	112 (55%)	92 (45%)	204	5.6 ^d	290 (51%)	270 (49%)	560
5. Bar/Lounge ⁵	0.3 KSF	N/A	N/A	N/A	N/A	N/A	N/A	15.49	3 (68%)	1 (32%)	4
Total Project Trips			2,524		146	100	246		308	305	613
Existing Site Trips					11	8	19		59	62	121
Net New Project Trips					135	92	227		249	243	492

^a Based upon discussion with project sponsor 20 percent of the available seats to be used by patrons not using the casino. This assumption produces a trip estimate which is conservative on the high side, but results in only 10 additional AM peak hour trips and 15 additional PM peak hour trips.

^b Daily Rate = (14 x AM Rate + 10 x PM Rate)/4

Assumptions:

1. AM rate for 14 hours in a day.

2. PM rate for 10 hours in a day.

3. Average time of occupancy of each table is 4 hours (generally 5 hours but discounted by 1 hour for employee trips).

^c AM Peak Rate = 2.2/1.08 (person trip ends divided by average vehicle occupancy)

^d PM Peak Rate = 6.5/1.16 (person trip ends divided by average vehicle occupancy)

¹ ITE Generation Manual 5th edition, General Office Building, Page 942

² ITE Trip Generation Manual 5th edition, Quality Restaurant, Land Use 831, Page 1259.

³ ITE Trip Generation Manual 5th edition, High-Turnover (Sit-Down) Restaurant, Land Use 832, Page 1278.

⁴ Survey Data (9/93) of The Oaks and Artichoke Joe's Casinos by Environmental Sciences Associates Inc.

⁵ ITE Trip Generation Manual 5th edition, Drinking Palace (PM Peak only), Land Use 832, Page 1325

Peak Hour Level of Service Impacts

The project traffic impacts were evaluated under the following four (4) conditions:

- Existing without project,
- Existing with project,
- Year 2000 without project, and
- Year 2000 with project.

Existing Conditions

Table 3 illustrates the existing AM and PM peak hour levels of service with and without the project. Two criteria were used to evaluate the effects of the project's traffic on the intersections analyzed.

- The impacts are considered significant if the level of service exceeds the City's criteria of "D".
- A noticeable change in traffic conditions will occur if the V/C ratio changes by five percentage points or more. This change in conditions may be considered significant if it causes a change in the level of service or brings an intersection very near to exceeding the level of service "D" criteria above.

Based on the above criteria, the project's impacts would be significant at the San Pablo Dam Road/I-80 WB ramp intersection and at the San Pablo Avenue/San Pablo Dam Road intersection. In the AM and PM peak hours with the project, the V/C ratios would increase 5 percentage points or more. This would not result in a LOS change in the AM peak, but would cause a change from either LOS "B" or LOS "C" to LOS "D" in the PM peak hour, with resulting PM V/C ratios in the upper range of LOS "D". The existing LOS "F" conditions at the I-80 EB ramps intersection would continue, with a slight increase in the V/C ratio.

Table 3. Summary of Existing Level of Service with and without Project

Intersection	Existing Conditions Without Project				Existing Conditions With Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS
I-80 EB on/off Ramp and San Pablo Dam Road	0.84	D	1.01	F	0.86	D	1.03	F
I-80 WB on/off Ramp and San Pablo Dam Road	0.81	D	0.74	C	0.86	D	0.86	D
San Pablo Avenue and McBryde Avenue	0.47	A	0.57	A	0.47	A	0.56	A
San Pablo Avenue and San Pablo Dam Road	0.42	A	0.66	B	0.52	A	0.89	D
San Pablo Avenue and Vale Road	0.53	A	0.61	B	0.53	A	0.61	B
San Pablo Avenue and Church Lane	0.58	A	0.58	A	0.58	A	0.58	A
San Pablo Avenue and 23rd Street	0.88	D	0.67	B	0.88	D	0.67	B

Year 2000

Table 4 presents the AM and PM peak hour levels of service for the year 2000, with and without the project. The level of service results for the year 2000 **without** the project indicate that during PM peak period one intersection, San Pablo Dam Road/I-80 EB would continue to operate at LOS "F". The level of service results for the year 2000 **with** the project indicate that the San Pablo Dam Road/I-80 EB intersection would continue to operate at LOS "F" with a slight increase in V/C ratio. The San Pablo Dam Road/I-80 WB intersection would experience noticeable increase in V/C ratio for both AM and PM peak hours. While the AM LOS would still be "D", the V/C ratio would be in the upper range of LOS "D". The PM LOS will change from "D" to "E".

The San Pablo Avenue/San Pablo Dam Road intersection would also experience noticeable increases in V/C ratio for both AM and PM peak hours. In the AM peak hour the LOS would still be "A" and the impact would not be significant. In the PM peak hour the LOS would change from "B" to "D" and the V/C ratio would be 0.90 which is right at the threshold to LOS "E".

Table 4. Summary of Future Year (2000) Level of Service with and without Project

Intersection	Year 2000 Without Project				Year 2000 With Project			
	AM Peak		PM Peak		AM Peak		PM Peak	
	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS
I-80 EB on/off Ramp and San Pablo Dam Road	0.85	D	1.01	F	0.88	D	1.02	F
I-80 WB on/off Ramp and San Pablo Dam Road	0.82	D	0.81	D	0.87	D	0.91	E
San Pablo Avenue and McBryde Avenue	0.50	A	0.58	A	0.51	A	0.58	A
San Pablo Avenue and San Pablo Dam Road	0.46	A	0.67	B	0.56	A	0.90	D
San Pablo Avenue and Vale Road	0.50	A	0.57	A	0.50	A	0.57	A
San Pablo Avenue and Church Lane	0.52	A	0.61	B	0.52	A	0.61	B
San Pablo Avenue and 23rd Street	0.69	B	0.78	C	0.70	B	0.78	C

Comparison of the V/C ratios for the existing and year 2000 conditions reveals some instances of only slight increases or even reductions from the existing condition to the year 2000 condition. This is in part because the existing traffic volumes and the year 2000 traffic volumes are from different sources. The existing traffic volumes are based on actual counts from the 1993 San Pablo Avenue Signal Coordination Study, the 1994 Contra Costa County CMP, and field counts conducted during 1993 and 1994. The future forecast volumes for year 2000 are from the West Contra Costa County Action Plan: Future Conditions Background Report, June 1992. More significantly, however, the future forecasts reflect assumed future roadway and/or freeway improvements which are reflected in the forecasting model of West Contra Costa County Action Plan. For instance, a proposed overpass is assumed on the Richmond Parkway, which will divert the traffic from San Pablo Avenue. Additionally, capacity improvements along the I-80 freeway corridor are assumed, including HOV lanes.

Parking

The proposed project is to include a total 849 parking spaces (250 valet-parking spaces and 599 self-parking spaces). This significantly exceeds the City's parking requirement of 317 spaces. The City's requirement has been calculated by City Staff as shown in Table 5.

Table 5. City of San Pablo Parking Requirements

USE ITEM	DESCRIPTION	TOTAL FOR PARKING	CSP PARKING REQUIREMENTS	TOTAL PARKING REQUIREMENTS
First Floor Card Room A	50 Tables, 8 Seats each (Total of 10,000 sqft)	400 Seats	1 Space per 5 seats	80 Spaces
First Floor Card Room B	50 Tables, 8 Seats each (Total of 10,000 sqft)	400 Seats	1 Space per 5 seats	80 Spaces
Main Kitchen, Storage, Utilities Shops	7500 sqft 100 sqft	NA 1000 Sqft	1 Space per 300 sqft of net floor area	3.33 Spaces
Employees lockers and lounge	5,000 sqft	NA	NA	Spaces
Security Surveillance	2500 sqft 500 sqft Office	500 sqft	1 Space per 400 sqft of net floor area (Note: Reqts. if this treated ie.office)	1.25 Spaces
Coffee Shop	90 Seats, 2000 Sqft 1800 sqft public area	1800 sqft NA	1 Space per 50 sqft of public area 1 sp. per 20 sqft of take-out counter area	36 Spaces
Fine Dining	80 Seats, 2000 sqft 1800 sqft public area	1800 sqft NA	1 Space per 50 sqft of public area 1 sp. per 20 sqft of take-out counter area	36 Spaces
Kitchen and Service	2000 sqft	NA		
Bar/Lounge	30 Seats, 1500 sqft 1350 sqft public area	1350 sqft	1 Space per 50 sqft of public area	27 Spaces
Cage Area	3000 sqft (considered office)	3000 sqft	1 Space per 400 sqft of net floor area	7.5 Spaces
Banquet Room	100 Seats, 2500 sqft	100 Seats	Public assembly, 1 space per 5 seats	20 Spaces
Lobby, Circulation, Restrooms	3000 sqft total	NA	1 Space per 400 sqft of net floor area	1 Spaces
Office	400 sqft	400 sqft		
Second floor office area	10000 sqft	10000 sqft	1 Space per 400 sqft of net floor area	25 Spaces
TOTAL NUMBER OF ZONING ORDINANCE REQUIRED PARKING SPACES				317 Spaces

Source: JOHN ELLER, CITY OF SAN PABLO PLANNING DEPARTMENT

Mitigation Measures

Existing Plus Project Conditions

Currently the intersection of San Pablo Dam Road/I-80 EB on/off ramp is operating at unacceptable levels of service in the PM peak hour even without the project. Therefore, this intersection should be improved to operate at an acceptable level of service even without the proposed project. The San Pablo Dam/I-80 interchange overpass is presently four lanes and needs to be widened to provide adequate capacity to attain LOS "D" conditions. The following measures together will improve traffic operations and mitigate the adverse service level conditions:

1. Widen the overpass to six lanes.
2. Convert Amador Street for right-in/right-out operation only.

These are feasible improvement measures, but the overpass widening is a very costly project. Caltrans has conducted some preliminary studies for this improvement project, but a project report has not been prepared for it. At this point in time, there are no specific plans for implementing this improvement.

At the San Pablo Avenue/San Pablo Dam Road intersection, the V/C ratio would increase by 5 percentage points or more with the project, resulting in an LOS change from B to D in the PM peak hour. The resulting V/C ratio would be 0.90, which is at the threshold to LOS "E". If the City decides that improvement is necessary, this impact can be mitigated by implementing both of the following measures:

1. Add one more left-turn lane for the westbound approach (San Pablo Dam Road)
2. Restripe the eastbound approach (outbound from the site) to provide one left-through shared lane and one right-through shared lane. This should be done as part of the project development plan, even if no other improvements are made to this intersection.

With the above mitigation measures, for existing conditions with and without the project, the peak hour conditions at both intersections would be Level D or better. Table 6 summarizes the level of service comparisons with these mitigation measures at the three impacted intersections.

Table 6. Summary of LOS for Existing Conditions with and without Mitigation Measures

Intersection	Existing Conditions With Project (Unmitigated)				Existing Conditions With Project (Mitigated)			
	AM Peak		PM Peak		AM Peak		PM Peak	
	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS
I-80 EB on/off Ramp and San Pablo Dam Road	0.86	D	1.03	F	0.69	B	0.82	D
I-80 WB on/off Ramp and San Pablo Dam Road	0.86	D	0.86	D	0.78	C	0.80	C
San Pablo Avenue and San Pablo Dam Road	0.52	A	0.89	D	0.44	A	0.75	C

Year 2000 Plus Project Conditions

The projected year 2000 peak hour unmitigated conditions for the study intersections with and without the project were presented above in Table 4. In the year 2000, during the PM peak hour, the intersection at San Pablo Dam Road/I-80 EB would operate at LOS "F" with and without the project. The San Pablo Dam/I-80 WB intersection would operate at LOS "E" during the PM peak hour with the project. At the San Pablo Avenue/San Pablo Dam Road intersection, the PM conditions will be right at threshold of LOS "E". These three intersections should be mitigated to operate at level of service "D" or better.

Acceptable levels of service can be achieved for the year 2000 with and without the project by implementing the mitigation measures discussed above for the existing plus project scenario. With mitigation they would all operate at LOS "D" or better. Table 7 summarizes the levels of service for these three intersections for the year 2000 condition with mitigation.

The project should contribute a fair share towards future improvement of the interchange, when a plan and a project cost have been established. The fair share contribution can be calculated on the basis of the project's share of future peak hour traffic using the interchange.

Table 7. Summary of LOS for Year 2000 Conditions with and without Mitigation Measures

Intersection	2000 Conditions Without Project (Unmitigated)				2000 Conditions With Project (Mitigated)			
	AM Peak		PM Peak		AM Peak		PM Peak	
	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS
I-80 EB on/off Ramp and San Pablo Dam Road	0.88	D	1.02	F	0.70	B	0.82	D
I-80 WB on/off Ramp and San Pablo Dam Road	0.87	D	0.91	E	0.68	B	0.78	C
San Pablo Avenue and San Pablo Dam Road	0.56	A	0.90	D	0.48	A	0.78	C

Additional Consideration

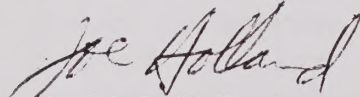
The following measures should be considered for inclusion in the project's conditions of approval, in order to promote reduced trip generation and as a contingency against any future parking problems that might arise;

- The project sponsor could be required to provide a shuttle bus which would access the nearest BART station(s) and the closest AC Transit bus stops to transport employees and patrons to the site thus reducing the use of private vehicles.
- Office, restaurant, coffee shop, bar and casino staff shifts could be shifted such that start and end times for work shifts do not coincide with the normal peak hours of traffic in the area. Work shifts could be staggered to occur before 6:30 AM, between 9:30 AM and 3:00 PM and after 7:00 PM at night.
- On-site parking supply appears to be adequate, but if actual demand warrants, consideration should be given to using long term tandem parking. As part of the valet parking for the site, the on-site number of spaces could be increased by implementing tandem parking. Dowling Associates understands, from the project sponsor, that the average length of stay for casino clients is five (5) hours. This condition makes tandem parking feasible and practical.

If you have any questions, please do not hesitate to call.

Sincerely,

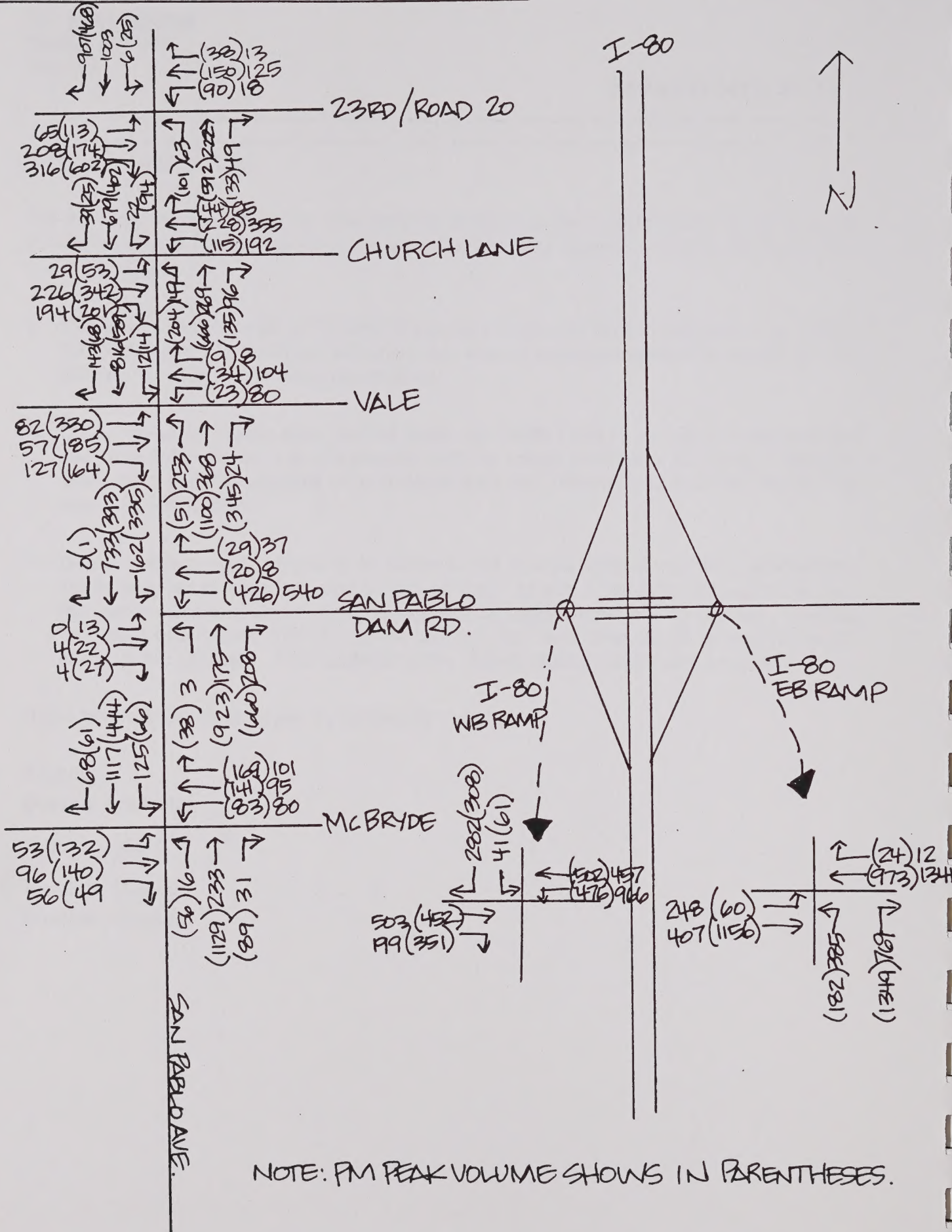
Dowling Associates



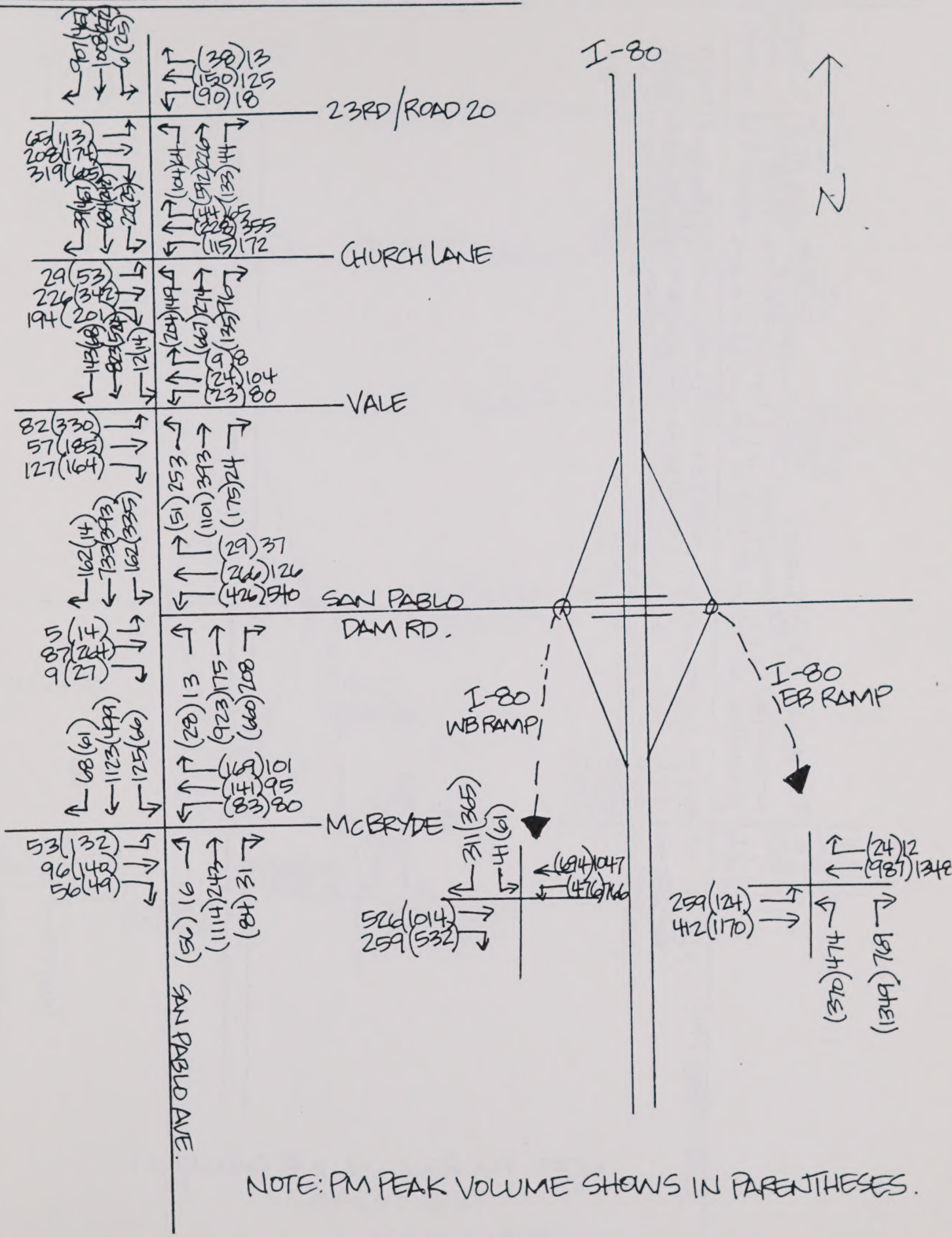
Joseph R. Holland
Principal Associate

8.5 TRAFFIC VOLUMES

EXISTING AM(PM) PEAK

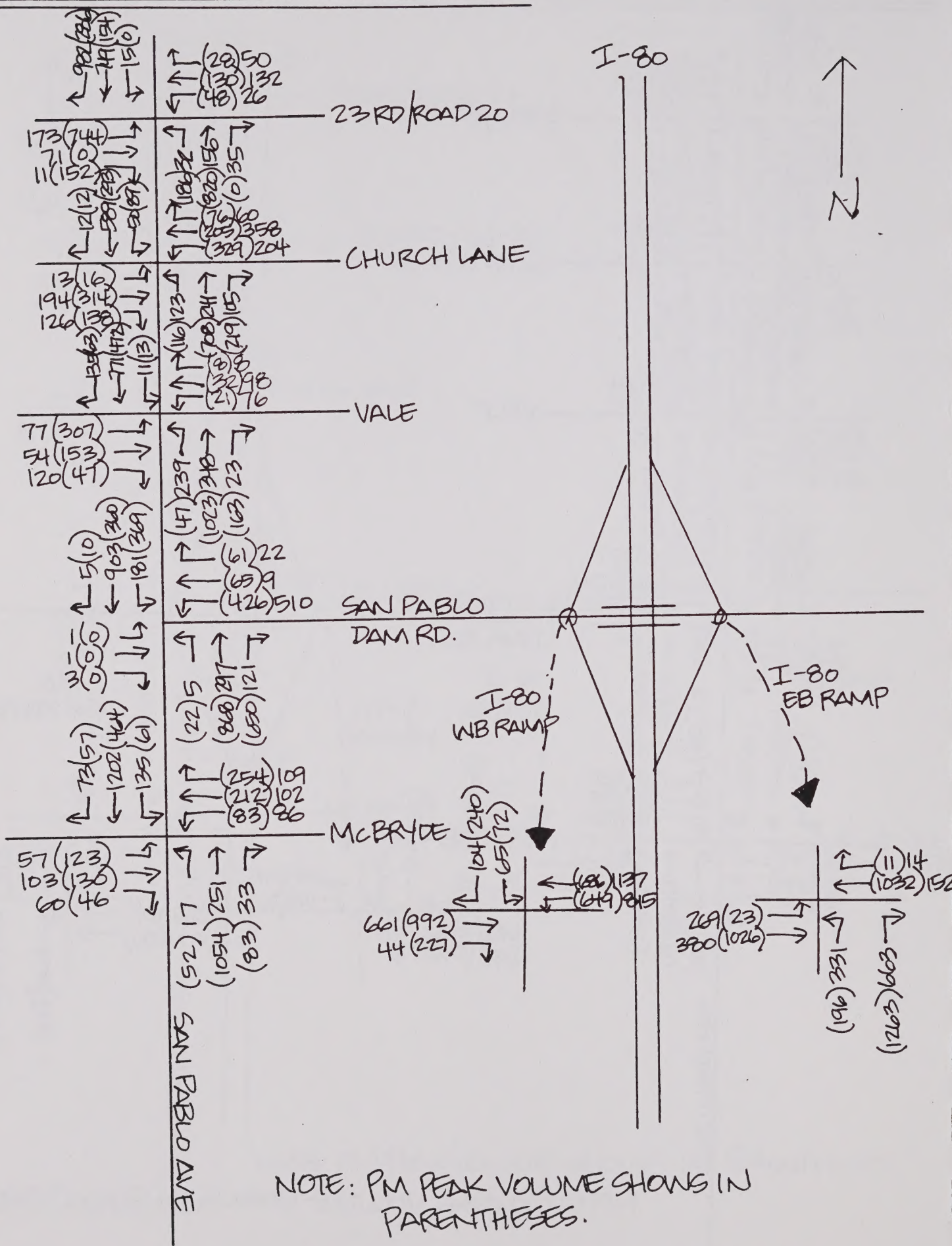


EXISTING AM(PM) PEAK + PROJECT

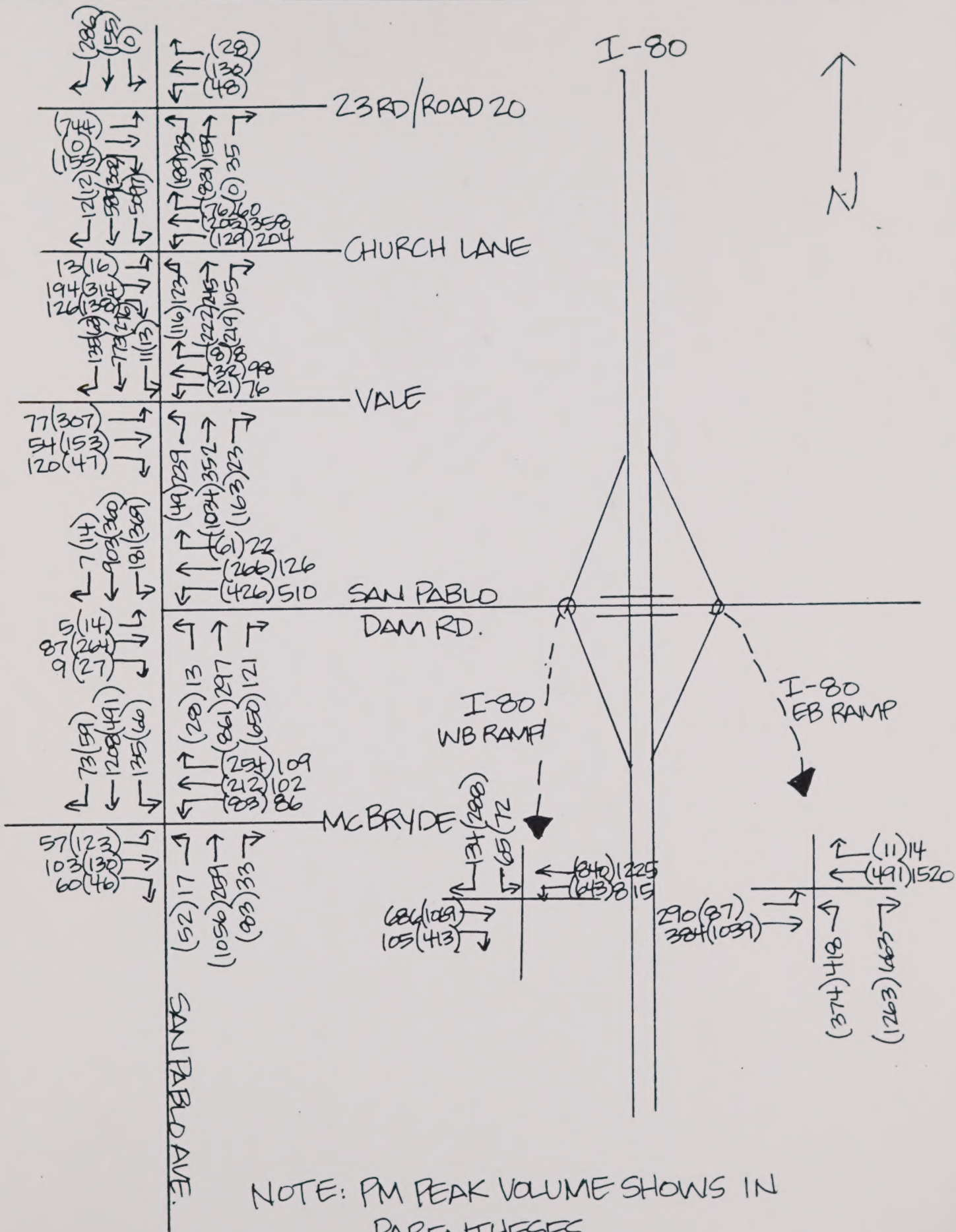


NOTE: PM PEAK VOLUME SHOWS IN PARENTHESES.

2000 AM (PM) PEAK + NO PROJECT



2000 AM (PM) PEAK + PROJECT



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